

Region 1

Region 1 Weekly Report 9/14/17

Hot Issues

Hurricanes Harvey and Irma Response and Recovery Support

- R1 and the Emergency Planning and Response Branch (EPRB) continue to operate the Regional Operations Center (REOC) to support response and recovery operations in R6 and R2. REOC staff are developing a deployment availability plan for R1 staff.

Final NPDES Permit for Barnhardt Manufacturing, Colrain, MA

- R1 and MassDEP are re-issuing a final NPDES permit for the Barnhardt Manufacturing Company, which manufactures personal care and other consumer products from raw cotton and discharges to the North River, a tributary of the Deerfield River, which flows to the Connecticut River and Long Island Sound.
- In response to the permittee's comments on a draft permit, the final permit includes a compliance schedule of three years to meet new limits for copper and phosphorus, and toxicity.
- The final permit also maintains a requirement from the previous permit to optimize nitrogen removal, consistent with the goal of reducing overall nitrogen loadings to Long Island Sound.

Upcoming Public Events

Solvents Recovery Service Superfund Site, Southington CT

- A ribbon cutting is planned for Thursday, September 21 to celebrate the construction of the final component of the remedy.
- The collaboration of many stakeholders (including PRPs, CT DEEP, and the Town of Southington) resulted in tangible improvements including a 3,000-foot extension of the Farmington Canal Heritage Trail.
- The final cap was constructed to provide parking access to the heritage trail and overflow parking for the Southington Police, as well as to allow for the future installation of solar panels.

Mukluk Removal Action, Baltic, CT

- A ribbon cutting is planned for Thursday, September 21 at the Mukluk Preserve to commemorate the completion of EPA's removal action.
- This three-year project consisted of excavating, treating and disposing of nearly 30,000 tons of lead contaminated soil from a skeet range.
- The property will be returned to recreational use including hiking and horseback riding.

Elizabeth Mine Superfund Site, Stafford, VT

- A ribbon cutting is planned for Friday, September 22 in Stafford to celebrate the completion of a major solar facility in rural Vermont, built on top of a massive, capped tailings impoundment.
- 20,000 solar panels will generate 8.7 million kilowatt-hours of electricity annually, enough to power more than 1,300 homes.
- The project helps to reduce Vermont's long-term obligation to perform cap maintenance within the footprint of the of the solar project.
- The cap design incorporates a water drainage system to promote runoff and create open surface area suitable for development.

Upcoming Major Decisions

None this week.

Highlights from last week

None this week.

Region 2

Region 2 Weekly Report to Administrator September 14, 2017

Hot Issues:

Hurricane Irma response: Region 2 is fully mobilized, with 110 people engaged as of 9/14 (26 deployed in the USVI and 16 in PR, with more being deployed). Damage in PR was less severe than anticipated; the local government expects to carry out most of the needed response work. EPA activities in PR are therefore likely to start winding down in the coming week and we will be able shift resources to the USVI, where conditions are much worse. Conditions on the islands of St. Thomas and St. John remain perilous: power remains out; communications are difficult and limited; many homes and other buildings were destroyed or severely damaged; food and water supplies are running short. The St. Thomas drinking water production system (which normally supplies St. John as well) is back in operation, but it is unclear whether and to what extent the distribution system is operational. Some sewage plants are operational, but not all. One Region 2 OSC was able to reach St. Thomas on 9/13 to start arranging logistics for additional responders to arrive in the coming days; to evaluate the five debris collection sites identified by the VI government; and to start visual assessments of some oil facilities. Conditions on St. Croix are much better, although 30% of the population there remains without power. Drinking water and sewage systems on St. Croix are functioning; debris collection has begun. In PR, fewer than 2% are currently without drinking water, and power is expected to be restored for 99% of the population by this weekend. EPA assessments of all Superfund sites in USVI and PR are completed; assessments of oil and chemical facilities in St. Croix and PR are nearing completion, and no significant spills or discharges have been identified.

Energy Answers (EA) waste-to-energy plant proposed for Arecibo, PR. In April, 2014 EPA issued a Prevention of Significant Deterioration (PSD) permit under the Clean Air Act for this proposed plant. Two extensions of the final date for “commencement of construction” were granted, the second of which had a 9/10/2017 deadline. Shortly before 9/10/17, EA wrote advising that it had in fact “commenced construction” by entering into a binding construction contract that includes substantial monetary penalties for cancellation (one of two ways that a permittee can “commence construction” under PSD rules). There is significant local opposition to construction of the plant. EA’s notification of its “commencement of construction” has generated interest from two members of Congress (Reps. Guttierrez of IL and Soto of FL) and environmental groups. Press coverage is likely.

Past Week:

Consent Decree (CD) entered in CWA homebuilder case. On 9/7/17 a CD was entered in U.S. District Court for NJ settling our civil action against NVR, Inc. for CWA violations in its homebuilding operations at 65 sites across NY and NJ. NVR failed to timely obtain construction storm water permits at these sites; and failed to properly install, inspect, and maintain storm water pollution controls at many of them. (Storm water discharges from construction sites often contain sediment, oil and grease, chemicals, and other pollutants.) Under the CD, NVR will implement a company-wide storm water compliance program to include training employees on CWA obligations, timely obtaining NPDES permit coverage, and performing regular inspections to ensure that pollution controls are properly installed and maintained. These actions will reduce the amount of sediment discharged from NVR’s sites by an estimated 63.8 million pounds annually. NVR will also pay a \$425,000 civil penalty. The states of NY and NJ supported EPA’s decision to take this enforcement action and the terms of this settlement.

Dewey Loeffel Superfund Site: On 9/8, EPA approved a proposal by General Electric, the primary PRP, to perform a time-critical removal action at Tributary T11A (a tributary to a stream near the site). GE will

excavate and dispose of PCB-contaminated soil and sediment in the tributary, followed by the placement of backfill and restoration of habitat. EPA will be reaching out to stakeholders, including the town supervisor, other local officials, and UNCAGED (a local group that holds an EPA Technical Assistance Grant for this site), to notify them of the removal action. Press coverage and inquiries from local officials are anticipated.

Upcoming:

Site Tour with Congressman Frelinghuysen: On 9/19/17 Acting RA McCabe and Acting DRA Mugdan will accompany Congressman Rodney Frelinghuysen on his annual tour of Superfund sites in his district. Press coverage is expected. Some NJ environmental groups held a press event earlier this week at one of the sites on the 9/19 itinerary calling on the Congressman, who chairs the House Appropriations Committee, to increase funding for Superfund.

Region 3

Region 3 Weekly Report to the Administrator September 15, 2017

Hot Issues

Amtrak Drinking Water Update – EPA held a call with Amtrak public health officials and counsel to discuss emerging challenges that Amtrak is facing with maintenance of potable water supplied on the passenger rail cars. Amtrak is committed, through an Administrative Order on Consent Agreement (AOC), to conduct “drain and flush” (D&F) procedures on an established schedule to help ensure good drinking water quality. Amtrak has had multiple train cars that they have been unable to return to maintenance facilities for scheduled D&F. Issues emerging during the summer have expanded due to hurricane-related shutdowns and power outages. Train service in the Southeast remains suspended, and service from Los Angeles to New Orleans (which goes through Houston) has just been restored this week. A major maintenance facility in Hialeah, Florida, has not yet resumed full function due to power outages and other causes, and rail cars awaiting maintenance must return from storage in New York where they were moved away from hurricane paths. Amtrak has committed to documenting the impacts and resulting excursions from AOC provisions and continue discussions with EPA to maintain high levels of drinking water protection while adhering as much as possible to the AOC.

Upcoming Public Events

Acting Regional Administrator to give remarks at annual National Fish and Wildlife Foundation Chesapeake Bay grants announcement

On September 19, Acting Regional Administrator Cecil Rodrigues will give remarks at the NFWF announcement of their Chesapeake Bay Stewardship Fund (CBSF) grants in Middle River, Md. The CBSF is two grant programs - Small Watershed Grants and Innovative Nutrient and Sediment Reduction grants – for which EPA provides the majority of the funding. This year there are 44 grant projects receiving a total of \$12.6 million in funding and providing an additional \$21.2 million in matching dollars. Of the \$12.6 million, \$10.4 million is EPA funding, with additional funding from Altria Group, the USDA’s Natural Resources Conservation Service and Forest Service, CSX, National Oceanic and Atmospheric Administration, and the U.S. Fish and Wildlife Service.

2017 Federal Green Challenge Awards

EPA HQ released the list of 2017 winners of FGC awards at the end of June. Region 3 has one winner of a national award, with the balance being regional award winners. This is the second-time EPA Region 3 has had a national FGC award winner. Awards are determined based on how all facilities compared to others, within six media areas for which they entered accomplishment data. The six areas are, Waste, Electronics, Purchasing, Energy, Water, and Transportation. FGC participants were also able to self-nominate for narrative awards within three categories: Innovation; Education and Outreach; and, Leadership.

Past Events

Department of Justice Moves to Enter Modified Consent Decree in United States *et al* v. Mayor and City Council of Baltimore.

On September 6, 2017, the United States Department of Justice filed a motion to enter a Modified Consent Decree with the United States District Court for the District of Maryland in the case of *United States et al. v. Mayor and City Council of Baltimore*. The District Court entered the original Consent Decree in 2002 with a compliance date of January 2016. The overarching purpose of the 2002 Consent Decree was to eliminate sanitary sewer overflows (SSOs) occurring in Baltimore's collection system. Due to a significant hydraulic restriction that impacts the flow of wastewater into the Back River wastewater treatment plant and other factors, it became clear that the City requires additional time and effort to bring the system into full compliance with Clean Water Act requirements.

The Modified Consent Decree provides for a two-phased implementation process. The first phase will be completed by January 2020 and is expected to address over 80% of the current wet weather SSO volume. The second phase will conclude by 2030. The Modified Consent Decree was lodged in June 2016 and was subject to public comments. In response to the comments, the Modified Consent Decree establishes additional control measures, provides greater public transparency, and addresses basement backups.

Maryland Department of the Environment is the co-plaintiff in this case and co-signatory of the decree. Blue Water Baltimore intervened in the case when the parties lodged the Modified Consent Decree, and has filed a notice that it intends to oppose the entry of the Consent Decree.

Administrative Order to Red Jacket Energy, LLC, For UIC Violations in McKean County, Pennsylvania.

On September 12, 2017, Region 3 issued an Administrative Order to Red Jacket Energy, LLC, (Order) for violations of the Underground Injection Control (UIC) program, 40 C.F.R. §§ 144 – 148, at the Facility's enhanced recovery wells in McKean County, Pennsylvania. Specifically, Red Jacket continued to inject fluids without meeting its requirement to have a working oil and gas production well. In accordance with the Safe Drinking Water Act (SDWA), the proposed Order was public noticed for 30 days and Red Jacket was offered the opportunity to request a hearing or informal meeting. EPA did not receive any comments. Red Jacket did request a hearing but after a telephone conference with EPA, withdrew their request. The Order requires Respondent to cease and desist injection of fluids into injection wells W1, W2, W3, W4, W5, W9, W13 and W14; or maintain an oil or gas production well. If Red Jacket decides to cease operations, all rule authorized injection wells must be plugged and abandoned in accordance with EPA and PADEP regulatory requirements. The Order also requires that Red Jacket complete and submit a detailed Compliance Plan within 30 days for EPA's review and approval, and to complete all remedial work within one hundred and twenty (120) of EPA's approval of the Compliance Plan. EPA has coordinated this action with the Commonwealth of Pennsylvania.

Monocacy-Catoctin Watershed Workshop and Tabletop Exercise

Region 3 in coordination with EPA HQ's Water Support Division, conducted a day-long emergency response workshop and exercise on September 12, in Gettysburg, Pennsylvania. Adams County Emergency Services Center was the venue for over 50 participants, including more than a dozen attendees from large, medium and small drinking water utilities from Pennsylvania and Maryland. The [Monocacy- Catoctin Watershed](#) crosses state lines and is a headwater region for the Potomac River. During the past year, the Potomac River Drinking Water Source Protection Partnership (DWSPP) has been expanding its reach and working to collaborate with more upstream partners and water suppliers to enhance early warning capabilities and protect the Potomac

River, which is a drinking water source for millions of consumers throughout the region. Local, state and federal attendees were appreciative of the opportunity to network, plan and trouble-shoot potential emergency response issues and to continue improve source water protection efforts throughout the Potomac Basin in Pennsylvania, Maryland, Virginia and West Virginia.

Region 4

Region 4 Weekend Report 9/14/17

Hot Issues

Hurricane Irma Rapid Assessments

Key Message: On our first day of deployment (September 13, 2017), Region 4 rapid assessment teams assessed one-third of the NPL sites in Florida for storm impact. Teams will conduct follow-up at two sites that experienced flooding. Similarly, over one-third of the NPL sites in Georgia and South Carolina have been assessed and no issues have been identified in either state.

Hurricane Irma Florida Request for a No Action Assurance

Key Message: On September 13, 2017, EPA issued a No Action Assurance letter to the Florida Department of Environmental Protection (FDEP) allowing Duke Energy's diesel reserves to be used for on-road response vehicles where the engines have been certified that this fuel will not cause damage.

TVA Gallatin Title V Petition

Key Message: On May 15, 2017, the Sierra Club filed suit against the EPA for failure to act on their Clean Air Act Title V petition which raised issues with the TVA Gallatin permit. The District Court for D.C. ordered EPA to file, by September 13, 2017, a proposed schedule for completing action on the Gallatin Title V petition. EPA has requested a deadline of Wednesday, January 31, 2018, for EPA's response to the petition. The court's ruling is expected at any time.

Clean Water Act 404 Assumption

Key Message: On September 14, 2017, Region 4 Administrator Trey Glenn met with FDEP Secretary Noah Valenstein to discuss the State's progress for assumption of the CWA 404 program by end of 2018.

Highlights

Hurricane Irma Recognition

On September 12, 2017, Governor Rick Scott visited the Florida Emergency Operations Center and specifically recognized the efforts of Region 4's out posted On-Scene Coordinator, Chris Russell, and EPA's overall support of the pre-storm and post-storm activities.

Region 5

Administrator, Acting Deputy Administrator, and Chief of Staff, here is Region 5's weekly update:

HOT ISSUES:

NONE

UPCOMING EVENTS:

East Chicago Public Meeting

Key Message: On September 16, EPA will be host a public meeting for the residents of East Chicago, Indiana.

EPA will be hosting the next East Chicago public meeting, as outlined in Administrator Pruitt's East Chicago Customer Service Plan, this upcoming Saturday. This month's meeting will include an update on the USS Lead Superfund site. Attendees will also receive an update on the Dupont site, which is a RCRA corrective action site located just south of Zone 3 of the USS Lead site. Attendees of the meeting will have an opportunity to engage with EPA personnel and ask questions.

The next public meeting will be held on October 14, 2017.

Acting RA Robert Kaplan to Take Part in the Chicago River "Big Jump"

Key Message: On September 16, Acting RA Kaplan, along with other local and state officials, will jump into the Chicago River in an event hosted by Metropolitan Water Reclamation District and Friends of the Chicago River.

The Chicago River Big Jump is a public education event to highlight the collective work that has been done to improve the Chicago River's water quality, and to show our commitment to making the Chicago River swimmable for all. The ongoing dedication of Metropolitan Water Reclamation District (MWRD) and Friends of the Chicago River has improved water quality in the river.

Region 5 has a long history of collaboration with both MWRD and Friends of the Chicago River.

UPCOMING MAJOR DECISIONS:

NONE

PAST WEEK ACCOMPLISHMENTS/HIGHLIGHTS:

Region 5 Approves Minnesota's Prevention of Significant Deterioration Program

Key Message: On September 13, Region 5 signed a final Federal Register notice approving the state of Minnesota's Prevention of Significant Deterioration (PSD) program.

The PSD program will be incorporated into the State Implementation Plan. Once effective, Minnesota will issue permits under state authority rather than a delegation of the Federal PSD program. Issuing permits under

their state authority will provide greater autonomy and flexibility in managing air permitting in Minnesota. This is a priority action for the state.

EPA and Cleveland Heights, Ohio, Enter a Partial Consent Decree to Address Clean Water Act Violations

Key Message: On September 8, DOJ and EPA entered a Partial Consent Decree that addresses Clean Water Act violations by Cleveland Heights.

Ohio EPA participated in all CD negotiations. The United States filed a simultaneous complaint against the city and the state of Ohio. A Clean Water Act provision requires naming the state as a plaintiff or a defendant in such actions. Ohio EPA has expressed an interest in realigning as a plaintiff after filing.

The city has decaying sewer infrastructure that it inadequately operates and maintains, resulting in discharges of sanitary sewage into Lake Erie tributaries. The Partial Decree requires a comprehensive evaluation of the sewer system, a plan to eliminate sanitary sewer overflows through infrastructure improvements, and defines steps to improve capacity, maintenance, and operation.

Region 6

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

September 14, 2017

Outer Continental Shelf Oil and Gas General Permit

EPA submitted the final permit reissuance package to the Office of Management and Budget (OMB) for review. It is expected this will be complete on Monday, September 18th and EPA expects to sign the permit on Tuesday, September 19th. It is critical that the permit be reissued prior to the September 30, 2017 expiration date for the current permit to avoid leaving offshore operators without the ability to obtain timely permit coverage. Once signed, the permit becomes effective.

Bird Creek, Osage County, Oklahoma

Region 6 is collecting additional data from 10 in-stream monitor stations the week of September 18. This data download will include data from the week of August 21, 2017, to current. Data analysis of the in-stream water monitors is ongoing. Proposed shut-in Orders have been issued to three companies; Warren American Oil Company, Jireh Resources LLC, and Novy Oil and Gas, Inc., applicable to seven UIC wells. Comments under the public notification requirements of SDWA were accepted through September 5 for Warren American and Novy and were accepted until September 15 for Jireh Resources. All three companies have submitted requests for a hearing, and all are represented by counsel. Comments have been received related to the Proposed AOs. A hearing date will soon be set by the Regional Judicial Hearing Official.

Region 6 has identified an additional area of review of three miles from the original Bird Creek site (monitoring station #2) to determine the extent of possible impact to the USDW and Bird Creek from produced water injection in the new area. A total of nine wells have been identified in this area of review, including two wells that were recently sent plugging notices. The Region initiated Mechanical Integrity Tests (MITs) on five of the nine wells within this area of review. Four of the wells have passed MITs and the fifth is scheduled for the week of September 11 after all repair work has been completed on the well. Additionally, one well may be converted to a production well. The Region is initiating a formal letter to request an MIT be conducted on the remaining injection well.

EPA Region 6 also had a conference call with the BIA on September 14 to continue to update the agency about EPA ongoing activities near the Bird Creek area in Osage County.

River City Metal Finishing, San Antonio, TX

EPA intends to send a NPL notification letter and a site fact sheet to the City of San Antonio, Bexar County, the Edwards Aquifer Authority, San Antonio Water Systems and the Coolcrest Property Owner's Association Inc. The letter states that River City Metal Finishing may be added to the NPL, and details the NPL proposal process and provides an EPA contact for additional information; while

the fact sheet summarizes site operational history, status and need for NPL listing.

Benedum Gas Plant, WTG Benedum Joint Venture LP, Midkiff, Texas

On September 18-21, 2017, the Environmental Protection Agency Region 6 will conduct a Risk Management Plan (RMP) inspection at the WTG Benedum Joint Venture LP, Benedum Gas Plant, located in Midkiff, Texas to determine compliance with the Clean Air Act 112(r) and 40 CFR Part 68 Chemical Accident Prevention requirements. The inspection will focus on compliance with RMP requirements. This inspection was coordinated with the Texas Commission on Environmental Quality (TCEQ). TCEQ has not requested delegation of the Chemical Accident Prevention Provisions under 40 CFR Part 68 and EPA Region 6 conducts the inspections for facilities regulated under this program in the State. This inspection falls under the National Enforcement Initiative under 112(r) for natural gas processing plants.

Ft Sumner, New Mexico

EPA will issue a public notice soliciting comments on a proposed Administrative Penalty Order against Respondent, Ft Sumner, New Mexico. USEPA Docket No. CWA-06-2017-1782 proposes to assess a penalty of \$2,500. The proposed Administrative Penalty Order alleges failure to submit monitoring reports in an appropriate manner over an extended period of time. Comments will be solicited for 30 days from the date of the notice.

Sidney Walker Dairy, Hopkins County, Texas

EPA will issue a public notice soliciting comments on a proposed Administrative Penalty Order against Respondent, Sidney Walker Dairy. USEPA Docket No. CWA-06-2017-1781 proposes to assess a penalty of \$28,000. The proposed Administrative Penalty Order alleges repeated violations of the facility's permit, including unauthorized discharges into Waters of the United States, which resulted in a fish kill, and failure to determine structural integrity of retention control structures. The facility is also in violation of two previous administrative orders. The discharges occurred in Hopkins County, Texas. Comments will be solicited for 30 days from the date of the notice.

Chevron Questa/Eagle Rock Lake, Questa, NM

On September 22, EPA plans to participate in the Region 6 Greenovations Award event at 10:00 am in Questa, NM. The Greenovations Award recognizes outstanding achievements of individuals and organizations whose leadership signifies "above and beyond" performance by maximizing environmental outcomes and minimizing environmental impacts through greener cleanups, sustainability and reuse initiatives. EPA plans to present Greenovations Awards for the Eagle Rock Lake project to: Chevron Mining; Chevron Environmental Management Company; U.S. Forest Service; New Mexico Department of Game and Fish; Village of Questa; and project contractors Arcadis and ENTACT. EPA is also coordinating with the Village of Questa, Chevron Mining and other state and federal stakeholders on an award event for the Eagle Rock Lake cleanup and restoration project. Local press and media are invited to attend.

NEPA

None

UPCOMING PUBLIC EVENTS

September 17-21 - 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address water pollution

October 3 – Brownfields Grant Writers’ Workshop in Addison, TX.

October 27 – Arkansas Environment Federation 50th Annual Convention, Hot Springs, AR. Acting Regional Administrator will keynote.

November 28 – 29 - Oil and Gas Environmental Conference, Location TBD

UPCOMING DECISIONS

Louisiana Regional Haze – Electric Generating Unit Entergy Nelson

EPA intends to propose approval for the Louisiana Regional Haze SIP revision for the Entergy Nelson EGU facility. EPA has proposed approval of other BART-eligible EGU facilities, however, Louisiana submitted a supplement related to the Entergy Nelson facility. We are recommending amending the prior proposal to approve a compliance data three years from the effective date of the final EPA approval of the SIP revision. This will allow the Nelson facility to meet an emission limit for SO₂ emissions. Under a Consent Decree, EPA is required to propose action for any outstanding requirements for the Louisiana RH program by June 29, 2017 and take final action by December 15, 2017.

Final Delisting Exclusion for Samsung Austin Semiconductor (SAS), Austin, Texas

SAS submitted a delisting petition to EPA in 2015, to delist the Copper Filter Cake Sludge from its process because the electroplating process does not include any of the constituents from the basis of listing. Approximately 750 cubic yards of filter cake will be generated annually. After testing the sludge to verify concentration levels, and if it meets delisting criteria, it will be disposed of in a subtitle D landfill. EPA’s intended approval will save SAS approximately \$250,000 per year in disposal costs and hazardous waste.

Regional Haze SIP for City of Albuquerque and Bernalillo County, New Mexico

EPA intends to approve a Regional Haze SIP revision that addresses Clean Air Act and EPA rule requirements to submit a periodic report assessing progress toward reasonable progress goals for mandatory Class I Federal areas in and outside the County. This action would approve the five-year progress report SIP revision as meeting all requirements.

PAST WEEK ACCOMPLISHMENTS

Arkansas SIP for Revisions to Minor New Source Review Program

EPA proposed approval of revisions to Arkansas minor NSR SIP submitted in July, 2010 and March, 2017 that increase the minor NSR permitting thresholds and *de minimis* levels. The permitting thresholds determine which stationary sources are required to obtain a minor NSR permit. There has been strong interest by industry.

PENDING ACTIONS (Pending Federal Register Publication)

Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for the 2008 8-Hour Ozone National Ambient Air Quality Standard

Region 7

Region 7 Weekly Report September 14, 2017

Hot Issues

R7 Harvey Recovery Support Update

Key Message: Region 7's support for the Hurricane Harvey response continues to be a priority for the Region.

- As the response backup for Region 6, 36 employees from Region 7 have deployed to various locations in Texas to assist with the response. The Region anticipates deploying additional personnel for ongoing rotations into the future as EPA continues to provide support for the response.

CK Enterprises Warehouse Fire in Lee's Summit, MO

Key Message: On Sept 13, 2017, a fire occurred at CK Enterprises, Inc., a specialty chemical and detergent manufacturing company in Lee's Summit, Missouri that also produces/packages detergents and sanitizers with pesticidal claims.

- A spark likely ignited a 1,000 gallon storage tank of flammable liquid and 60 employees were evacuated with 1 employee sustaining minor injuries.
- EPA R7 OSCs responded and coordinated emergency response actions with EPA EPCRA, CWA, FIFRA, and OPA staff, the local fire department, the Missouri Department of Natural Resources, and the Missouri Department of Agriculture.
- Fire suppression water was contained by an earthen berm constructed northwest of the facility, preventing runoff flowing into a nearby creek which feeds into the Little Blue River and the Missouri River.
- The City of Lee's Summit with assistance from EPA collected surface water samples from the creek to confirm no impacts.

Last Week's Highlights

Iowa City Former Manufactured Gas Plant (FMGP) Superfund Site-Chauncey Development

Key Message: On June 28 and August 7, 2017, EPA R7 participated in conference calls with IDNR, MidAmerican Energy Company (party conducting superfund site cleanup), and Terracon (developer environmental consultant) to discuss requirements for geothermal wells proposed for construction at the Chauncey development in Iowa City, two blocks from the Iowa City FMGP Superfund Site.

- The Chauncey developer is seeking a water withdrawal permit from IDNR for groundwater extractions wells to support a geothermal heating and cooling system. Approval for underground reinjection of the water is required from EPA R7's Drinking Water Office.
- Substantial groundwater contamination remains at the FMGP site and groundwater extraction and reinjection could potentially have an effect on the contamination.
- IDNR recently developed requirements for the water withdrawal permit that did not address all of the concerns raised by the EPA and MidAmerican Energy and recently approved a work plan for well construction and aquifer testing.
- EPA's Drinking Water Office does not believe that the approved well design will be adequate for the approval of underground injection and is notifying Terracon of the necessary changes to the well design.
- The EPA Superfund Office also has concerns regarding insufficient site monitoring wells being monitored during the aquifer pumping tests, lack of plans for wellhead protection of the monitoring wells during the aquifer pumping tests, and lack of contingency plans if monitoring indicates that the contaminated groundwater plume at the Superfund site is being influenced during the aquifer pumping tests.

- Failing to address these issues could result in movement of the contaminated groundwater plume associated with the Superfund site and exposure of the site developer and their well driller to CERCLA liability.

Franklin County Lead Site Excavation Work Begins

Key Message: EPA is beginning excavation work under the removal program at the Franklin County Lead Site.

- Multiple assessments have been conducted at the site to identify soil and drinking water contamination from historic lead mining in the county.
- EPA is conducting removal activities over the next few weeks to address properties where contamination was identified during these assessments.
- The on-site work should be completed within 30 days.

Completion of Two Superfund Five-Year Reviews

Key Message: On September 8, 2017, EPA completed five-year reviews (FYR) for the Fairfield Coal Gasification Plant site and the Lehigh Portland Cement Company Site.

- The **Fairfield Coal** FYR concluded that the remedy at the site currently protects human health and the environment because access to the site is restricted, the groundwater plume is stable, and institutional controls are preventing exposure to, or ingestion of, contaminated groundwater.
 - However, for the remedy to remain protective in the long term, the FYR recommended that a full evaluation of any potential migration of the contaminant plume from the site needs to be conducted and alternate remedies need to be evaluated.
 - In addition, the FYR indicated that an existing deed restriction should be replaced with an environmental covenant to ensure compliance with site restrictions and additional vapor intrusion work should be completed under current guidance to confirm that no inhalation exposure pathway exists.
- The **Lehigh Portland Cement Company** FYR also concluded that the remedy at the site is protective of human health and the environment in the short-term as the wastes have been capped and groundwater has been effectively contained preventing unacceptable exposures by humans and ecological receptors.
 - In order for the remedy to be protective in the long-term, the FYR recommended that institutional controls in the form of environmental covenants need to be attached to the deeds of both portions of the site.
 - It is anticipated that the environmental covenants will be filed with the deeds by the end of the calendar year.

Brownfield Redevelopment and Resources Workshop in Marshalltown, IA

Key Message: On September 14, 2017, EPA participated in the Iowa Brownfields Redevelopment Workshop in Marshalltown, IA.

- The workshop was supported by EPA, IDNR, and the Kansas State Technical Assistance to Brownfields (TAB) program. The one day workshop for local entities focused on strategies and redevelopment approaches for brownfields; state, federal, and TAB resources, funding opportunities for economic redevelopment and revitalization, and local success stories.
- EPA also provided grant writing tips for those interested in submitting a future grant proposal.

Region 7 Settles CWA Matter: *NEI Concentrated Animal Feeding Operation (CAFO)

Key Message: On September 11, 2017, EPA R7 entered a Consent Agreement and Final Order (Order) in the matter of Ronald Fricke (Respondent), doing business as Ronald Fricke Livestock, in a settlement of alleged CWA violations.

- At the time of the September 20, 2016 inspection, Respondent was an unpermitted medium concentrated animal feeding operation.
- The inspection and collected water sampling documented discharges of pollutants into a water of the U.S. and impacts to the water due to high levels of E. coli and other feedlot-related pollutants.
- Prior to the inspection, Iowa was notified of EPA's intent to inspect the operation and did not raise any objections.
- Further, Iowa was provided with copies of the inspection report and Administrative Order for Compliance before compliance order and penalty negotiations were initiated with the Respondent.
- Respondent has certified that it is in compliance with an Administrative Order issued to address the violations. The Consent Agreement and Final Order simultaneously commences and concludes the penalty action and obligates Respondent to pay a civil penalty of \$25,186.

MFA Oil Profile (SPCC) - Several Facilities in Missouri

Key Message: MFA Oil operates several bulk oil storage and sales facilities throughout Missouri, five of which were inspected for compliance with Spill Prevention, Control and Countermeasure (SPCC) requirements of the Clean Water Act (CWA) in March and May 2016.

- All five facilities were out of compliance with SPCC regulations.
- The combined capacity for these 5 facilities is 359,225 gallons and each is located less than a mile from a WOTUS.
- Region 7 and DOJ have been in negotiations with MFA, Inc, a related agricultural Co-Op, over violations of CAA 112r from storage and handling of anhydrous ammonia used as fertilizer.

Region 8

REGION 8 WEEKLY REPORT – September 14, 2017

Hot Issues

Wyoming Recreation Use Changes

Key Message: On September 12, 2017, Region 8 acted on Wyoming's revised water quality standards by approving most of Wyoming's proposed recreation use changes downgrading the designated use of a large number of low flow streams from primary contact recreation to secondary contact recreation.

- This action approves the change on 82,896 stream miles, more than 99% of the state's proposed waterbody reclassifications.
- Region 8 disapproved less than 1% of streams proposed for downgrading. We based our disapprovals on public comments submitted during either a public hearing or public comment period that provided sufficient evidence that these specific stream segments warrant protection for primary contact recreation.
- Wyoming's use changes and supporting demonstration constitute a national precedent because the state's evaluation primarily relies on Geographic Information System (GIS) data instead of field data, and the use downgrade is at a state-wide scale.
- Region 8 has notified the state, tribes, and environmental stakeholders of this action.
- Region 8 took this action in coordination with OW and OGC.

Region 8 comments on Clean Water Act Section 404 public notice for the West Davis Corridor Project permit application.

Key Message: On September 12, 2017, Region 8 sent a comment letter to the District Commander of the Sacramento District of the Army Corps of Engineers implementing Part IV 3(a) of the Clean Water Act Section 404(q) Memorandum between the EPA and the Corps (MOA) in response to the Corps' public notice for the CWA 404 permit application for the West Davis Corridor Project north of Salt Lake City, Utah.

- The West Davis Corridor project (WDC) is a proposed approximately 20-mile, four-lane divided highway that would run along the eastern shore of the Great Salt Lake (GSL) in Davis County, Utah.
- The Utah Department of Transportation's CWA 404 permit application for WDC requested authorization to directly impact (fill) 43 acres of GSL wetlands and cause secondary impacts to 57 acres of GSL wetlands within 300 feet of the right-of-way. Approximately 4,972 linear feet of named stream channels, 10,052 linear feet of other linear surface waters, and 2 acres of open water adjacent to the GSL would also be directly impacted.
- The wetlands along the eastern and northern edges of GSL provide critical habitat for millions of migratory shorebirds and waterfowl and account for nearly 80% of the wetlands in Utah.
- Region 8's primary goal through this comment letter is to ensure an adequate mitigation plan is prepared for the impacts to GSL aquatic resources as required under CWA Section 404 and the Mitigation Rule. The purpose of initiating the CWA 404(q) process is to be formally engaged with the Corps in the further development of the mitigation plan for WDC. This action will not delay the project which is planned to begin in 2020.
- Region 8 coordinated with OW on this action.

American Gilsonite Appeals EPA Aquifer Exemption Denial to Tenth Circuit Court of Appeals

Key Message: On September 11, 2017, American Gilsonite Corporation (AGC) appealed Region 8's UIC Program denial of an Aquifer Exemption (AE) requested for a portion of the Bird's Nest Aquifer (BNA) near Class V deep disposal well owned by AGC near Bonanza, Utah.

- Region 8 denied the AE on July 28, 2017, because AGC did not provide an adequate technical demonstration that fluids injected into the BNA from mine de-watering would remain within the portion of the aquifer requested to be exempted.
- Without this demonstration, an AE would not be adequate to prevent endangerment of adjacent USDWs or to comply with the prohibition of fluid movement into a USDW at 40 CFR Part 144.12.
- AGC appealed EPA's decision by filing a petition for review to the U.S. Tenth Circuit Court of Appeals.
- Region 8 is assembling the administrative record for EPA's decision which must be submitted to the Court within a prescribed timeframe, typically 40 days from petition filing.
- Region 8 took this action in coordination with OGC and OGWDW.

Upcoming Public Events – None.

Upcoming Major Decisions – None.

Last Week Highlights –

Region 8 Participates in 2017 Colorado Local Emergency Planning Committee Conference:

Key Message: On September 6-8, 2017, Colorado held their annual Local Emergency Planning Committee meeting in Breckenridge, CO, with approximately 100 attendees from across the state. EPA staff played an integral role in the LEPC Conference planning committee as well as throughout the meeting as subject matter experts and trainers.

- Region 8 staff conducted a hands on demonstration of the Computer Aided Management of Emergency Operations (CAMEO) software and The Emergency Response Application (TERA) mapping tool. Staff also presented on the Ash Coulee in situ burn of an oil spill in North Dakota.
- Region 8 staffed a table with resources and provided answers as needed. We anticipate attending and participating in these meetings in the future and consider this conference a great exchange of information.

Region 9

Region 9 – Weekly Update – September 15, 2017

Upcoming Decisions or Hot Issues

None.

External Engagement

- **Public hearing for Prevention of Significant Deterioration (PSD) permit:** Next week we'll hold a public hearing in Palmdale, California (northern Los Angeles County), on our proposed permit for a 650-MW natural gas-fired combined cycle power plant. The plant would be one of the most efficient power generators in the State and would provide quick-start capability to support the variable load of renewable generation. We're the permitting authority because the local air agency has declined to carry out this Clean Air Act program.
- **Coordination with Customs and Border Protection (CBP) on Tijuana River:** Last week CBP Headquarters (a DHS agency) reached out to us to learn more about the transboundary wastewater flows of the Tijuana River and the impacts in the U.S. Of interest to CBP are the roles and responsibilities of EPA and other agencies and how CBP may become more engaged. We'll include CBP in a meeting with the International Boundary and Water Commission, the State of California and others scheduled for next month.
- **Technical Assistance to Pacific Territories:** We'll host American Samoa and Guam EPA next week to provide training and technical assistance on pesticide programs. They requested training tailored to the unique circumstances of the Pacific islands.

Past Week's Highlights

- **Consent Decree with StarKist:** We reached an agreement with StarKist to reduce pollution from its tuna processing facility in American Samoa. The agreement includes a \$6.3 million penalty and significant upgrades to StarKist's facility and emergency planning. American Samoa EPA requested our assistance after a pipeline break in 2014 discharged wastewater from the facility into Pago Pago Harbor.
- **Navajo Abandoned Uranium Mines Trust Agreement:** We and the Navajo Nation signed a trust agreement that provides approximately \$8.5 million to conduct investigations at 13 abandoned uranium mines. This agreement is part of a second phase of mine assessments, following an initial group of 16 assessments that began in 2015.

Region 10

Region 10 Weekly Report – September 14

Hot Issues

None

Upcoming Public Events

EPA Moderating Session at Deconstruction and Reuse Conference (Oregon): On September 25-27, Region 10 will moderate a session on how state and local governments can assist with material reuse at the Building Materials and Reuse Association's Deconstruction and Reuse Expo Conference in Portland, Oregon. State and local governments will share how they are supporting innovative material reuse projects. Panel speakers include representatives from Oregon Department of Environmental Quality, King County Solid Waste Division, and Better Futures Minnesota.

Region 10 Participating in Fairbanks Clear the Air Conference (Alaska): On September 22 and 23, Region 10 will participate on panels at the Clear the Air Conference sponsored by the Fairbanks North Star Borough. The focus of the conference is on the Borough's efforts with Alaska Department of Environmental Conservation to develop for EPA review and approval a plan to achieve the National Ambient Air Quality Standard for PM_{2.5}. Currently, the Borough's status is Serious nonattainment for the 24-hour PM_{2.5} standard. EPA presentations are expected to focus on the success factors that contribute to achieving attainment and to emphasize the close coordination and support EPA is providing to our state and local partners.

Upcoming Major Decisions

US Navy Arctic Ice Camp NPDES Permit Modification: In response to a request from the US Navy, Region 10 is developing a NPDES permit modification for the discharges from the Arctic Ice Camp. This modification will expand the area where the potential wastewater discharges may occur and address other minor changes associated with how the waste streams are managed at the camp. The change in the permitted discharge area will allow the Navy flexibility to site the camp on more stable multiyear ice, as well as account for increased ice movement during the six-week operational period. EPA intends to complete the NPDES permit modification by the end of the calendar year, prior to the commencement of 2018 winter research activities.

Last Week Highlights

Denali Commission collaborates with EPA and ADEC on Backhaul Alaska: At the September 11 Denali Commission Planning Meeting, Alaska Lt. Governor, and Denali Commission State Co-Chair, Byron Mallott, proposed that the Commission collaborate with EPA and ADEC on the Backhaul Alaska Program. Specifically to: finalize program and pilot project planning and to determine sustainability of the program; identify a cabinet-level agency/program to be the primary funder for the pilot project; and select an Alaska-based organization to lead the pilot project. The Commissioners voted unanimously in favor of Mallott's proposal.

EPA Training for Oregon DEQ on Hazardous Waste Delisting: Region 10 presented a half-day training to the Oregon Department of Environmental Quality on hazardous waste delisting. Recently, both Region 10 and ODEQ have worked on delisting issues at RCRA-regulated facilities engaged in titanium fabrication activities, with ODEQ getting up to speed on their first delisting work as an authorized program. This training provided an opportunity to provide support to the state and to get a better understanding of each other's activities for purposes of coordination.

Lead Compliance Assistance at the National Legal Aid Conference (Idaho). On September 13, Region 10 presented on EPA's TSCA Lead-based Paint Rules at the National Legal Aid Conference in McCall, Idaho. Idaho Legal Aid Services is a nonprofit statewide law firm that provides equal access to justice for low income people. The presentation emphasized the Renovation, Repair and Painting (RRP) Rule Requirements which includes hiring certified firms/renovators and safe work practices when disturbing paint in or on pre -1978 homes.

Office of Administration and Resources Management
Office of Administration and Resources Management
Weekly Report
September 14, 2017

Hot Issues

Hurricane Response

In the wake of Hurricanes Harvey and Irma, the Department of Homeland Security has asked for federal agencies support in augmenting the Federal Emergency Management Agency workforce through participation in the Surge Capacity Force. The SCF supports disaster survivors in response to natural disasters, acts of terrorism, and other man-made disasters. OARM is the lead for the EPA and has reached out to DHS with its point of contact (Linda Gray, director of OHR). OARM will soon be communicating this opportunity to be part of the Surge Capability Force to agency employees. Supervisory approval is required to volunteer.

Next Steps: Once selected and registered as a SCF volunteer, individuals will receive deployment notifications from the FEMA Deployment Tracking System. FEMA is taking measures to expedite deployment and consolidate initial training with just-in-time orientations in the field. Upon arrival to the personnel mobilization center in Anniston, Alabama, volunteers will receive the relevant training and guidance for specific assignments. Deployments will generally be 45 days,

Issuance of GNEB 18th Report

The Good Neighbor Environmental Board will be transmitting its latest report to the Council on Environmental Quality on September 28th. The Board is required by statute to submit an annual report on environmental and infrastructure issues in the U.S. – Mexico region, and this report is on Environmental Quality and Border Security. DHS and the other federal agencies on the Board have all signed off on the report. Sam Coleman, Acting Regional Administrator Region 6 is the official EPA representative on the Board. The Good Neighbor Environmental Board's (GNEB or Board) 2017 report, *Environmental Protection and Border Security on the U.S.-Mexico Border: Tenth Report of the Good Neighbor Environmental Board to the President and Congress of the United States*, examined the environmental implications of increased border security. In this report, the Board's recommendations focus on the intersection of environmental protection and border security in the five key areas identified below.

1. Tourism and recreation economy.
2. Habitat integrity and wildlife corridors,
3. Water management, flooding, and trash and sediment control.
4. Hazmat and emergency response.
5. Air quality.

Upcoming Public Events

None

Upcoming Major Decisions

None

Last Week's Highlights

None

Office of Air and Radiation

OAR Weekly Report – September 14, 2017

Upcoming Hot Issues and Important Deadlines

- Total SIP-related actions signed as of September 14, 2017: 58 (starting point: August 14, 2017). Total actions signed this week: 21 (see list below).
- **OAR Actions Supporting the Agency’s Response to Harvey and Irma:**
 - OAR and OECA coordinated with DOE/Region 6 to extend emergency fuel waiver for Texas until October 1, 2017 based on continued disruptions to fuel supply due to impacts of Hurricane Harvey; OAR assisted OECA in the issuance of No Action Assurance for use of non-ULSD for Florida’s utility company’s emergency response vehicles in the Tampa area due to impacts of Hurricane Irma; OAR continues to assist in communications with the IRS for tax relief for all applicable fuel waivers and NAAs.
 - OAR’s radiological emergency response program is staffing the FEMA National Response Coordination Center, the HQ EOC and preparing additional staff for potential deployment to Texas if directed by the HQ EOC.
 - OAR has activated the Response Support Corps and these individuals are supporting various positions in the HQ EOC.
 - The Nuclear Regulatory Commission has reported an “all clear” status for the nuclear power plants in the impacted areas and FEMA reported that they have completed all off-site nuclear power plant emergency preparedness evaluations.
- **Proposed Rules under review at OMB:**
 - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG) – Stay Notices
 - Review of the Clean Power Plan
 - National Emission Standards for Hazardous Air Pollutants: Nutritional Yeast Manufacturing Residual Risk and Technology Review

State Implementation Plan (SIP)-Related Actions

- The Regions report that the following 21 SIP-related actions were signed this week:
 - **Region 1:** Final Approval of Maine Regional Haze Five-Year Progress Report
 - **Region 1:** Rhode Island Single Source RACT Order for US Watercraft LLC
 - **Region 3:** Proposed and Direct Final Approval of 2011 Base Year Emissions Inventory - Baltimore - 2008 Ozone NA Area – MD
 - **Region 3:** Proposed and Direct Final Approval of 2011 Base Year Emissions Inventory for MD Portion of PHL-Wilmington-Atlantic City 2008 Ozone NA Area - MD
 - **Region 3:** Final Approval of Infrastructure Elements for 2012 PM2.5 NAAQS – DE
 - **Region 3:** Proposed and Direct Final Approval of Removal of CAIR – VA
 - **Region 3:** Proposed and Direct Final Approval of West Virginia - Removal of the Annual CAIR SO2 Rule
 - **Region 3:** Proposed and Direct Final Approval of Interstate Transport for the 2008 Ozone Standard – DE
 - **Region 3:** Proposed and Direct Final Approval of West Virginia - Removal of the Annual CAIR NOx Regulation
 - **Region 4:** Final Approval of Kentucky’s Removal of Stage II Gasoline Vapor Recovery Program
 - **Region 4:** Final Approval of North Carolina’s miscellaneous rules approving two new rules concerning Permit Exemptions
 - **Region 4:** Direct Final Approval (proposed and final) of Georgia’s rule updating the emission

- reduction credits regulation
- **Region 5:** Minnesota PSD rule
- **Region 6:** Final Approval of DFW NOx RACT
- **Region 6:** Proposed Approval of Arkansas Minor NSR Thresholds and De Minimis Levels SIP
- **Region 7:** Proposed and Direct Final NE-088; 110(a) Infrastructure 2010 NO2
- **Region 7:** Proposed and Direct Final KS-113; Construction Permits and Approvals - Applicability and Fees
- **Region 7:** Proposed and Direct Final IA-156; 2010 NO2 Infrastructure SIP
- **Region 7:** Proposed and Direct Final NE-089;110(a) Infrastructure 2010 SO2
- **Region 7:** Proposed and Direct Final NE-097; PM 2.5 2012 Infrastructure SIP
- **Region 9:** Proposed Approval of three provisions in California's anti-idling regulations

Upcoming Meetings, Public Events, or Other Public Releases

- **Clean Air Scientific Advisory Committee (CASAC) meeting on Sulfur Oxides (SOx) National Ambient Air Quality Standards (NAAQS) Review** – On September 18 and 19, the CASAC Sulfur Oxides Panel will peer review EPA's Risk and Exposure Assessment (REA) for the Review of the Primary NAAQS for Sulfur Dioxide (External Review Draft) and Policy Assessment (PA) for the Review of the Primary NAAQS for Sulfur Dioxide. The SO2 NAAQS review is on a court-ordered schedule, with a proposed decision required by May 25, 2018, and a final decision by January 28, 2019. To accommodate this rulemaking schedule, the final risk exposure assessment (REA) and policy assessment (PA) are scheduled for release in March 2018.
- **World Ozone Day:** Saturday September 16, marks the 30th anniversary of the Montreal Protocol, a highly successful international agreement to phase out substances that deplete the stratospheric ozone layer. The Parties to the Protocol have phased out 98% of ODS globally compared to 1990 levels. The United Nations Environment Program is celebrating the achievements of the Protocol through a communications campaign. EPA plans to commemorate this milestone with tweets and other internal communications.
- **CCAC Working Group Meeting:** Two OAR staff members will be part of the State Department-led U.S. Delegation traveling the week of September 25 to attend the CCAC (Climate and Clean Air Coalition) Working Meeting in Paris, France. The CCAC is a voluntary international coalition that currently has 54 country partners and more than 60 non-governmental and intergovernmental organizations.

Upcoming Decisions

- **For Administrator's Signature - Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review (RTR):** This final rule responds to two petitions for reconsideration filed by industry stakeholders on the RTR. The package is with OP for review. Note the RTR required immediate compliance with several emission limits and monitoring provisions and so the deadlines for compliance have already passed. This final reconsideration notice will enable phosphoric acid manufacturers and phosphate fertilizer producers to come into compliance with the final rule.
- **For Administrator's Signature – Procedure 6 Technical Amendments:** This final rule makes technical amendments to Procedure 6 to resolve some minor inconsistencies between the initial proposal and final publication. (Procedure 6 specifies the minimum requirements necessary for control and assessment of the quality of continuous emission monitoring systems data submitted to EPA and used for hydrogen chloride emissions compliance determination at stationary sources). The package is with OP for review.
- **For Administrator's Signature – Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant:** This direct final rule and parallel proposal corrects a potential conflict in a November 2016 final rule that updated EPA's refrigerant management regulations. The package is with OP for review.

- **For Administrator's Signature – Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan (FIP) Requirements for Texas:** This final rule will provide certainty to the Texas electric generating units (EGUs) whose FIP requirements are being withdrawn and provide a stronger legal foundation for expected finalization of an action by September 29, 2017 that would rely on the Cross-State Air Pollution Rule (CSAPR) as a NOx Best Available Retrofit Technology (BART) alternative for Texas EGUs. The package is with OP for review.
- **For Administrator's Signature – Revisions to Testing Regulations for Air Emission Sources:** In this rule we are proposing editorial and technical corrections to regulations that require source testing of emissions. This is a routine "clean-up" action that we have done several times in the past – most recently in August 2016. The revisions will improve the quality of data and give source testers the flexibility to use newly approved alternative procedures. This action will not impose any new substantive requirements on source owners or operators. The package is with OP for review.
- **For Administrator's Signature – National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines:** This action is withdrawing the direct final rule that was published on July 27, 2017 due to an adverse comment the EPA received on August 25, 2017. The direct final rule was to extend the compliance date of the RTR amendments until the EPA had a chance to review the specific methodology errors made by the laboratory and to understand whether and to what degree those errors impacted the final emission limits at FA lines. The package is with OP for review.
- **For Administrator's Signature – National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works Residual Risk and Technology Review ("POTW RTR"):** This action finalizes RTR for the POTW source category and is subject to a court order that requires signature by October 16, 2017. The package is with OP for review.
- **For Administrator's Signature – National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines:** This action is withdrawing the direct final rule that was published on July 27, 2017 due to an adverse comment the EPA received on August 25, 2017. The direct final rule was to extend the compliance date of the RTR amendments until the EPA had a chance to review the specific methodology errors made by the laboratory and to understand whether and to what degree those errors impacted the final emission limits at FA lines. The package is with OP for review.
- **For Administrator's Signature – Final Approval of Arizona Regional Haze State Implementation Plan (SIP) Revision and Withdrawal of Federal Implementation Plan (FIP) for Coronado Generating Station ("Coronado"):** This action finalizes the approval of a source-specific revision to the Arizona Regional Haze SIP for Coronado and withdraws a FIP promulgated by the EPA in 2012 for Coronado, a facility located in eastern Arizona and owned and operated by the Salt River Project Agricultural Improvement District (SRP). The package will be going to OP for review by the end of the week.
- **For Administrator's Signature – Final Approval of Rescission of Nevada Visibility Protection Federal Implementation Plan (FIP) for the Mohave Generating Station (MGS):** This action finalizes the withdrawal of the visibility protection FIP for the MGS, located in Clark County, Nevada in response to the Nevada Division of Environmental Protection's (NDEP) request dated March 25, 2016. NDEP requested this rescission because MGS has not operated in over a decade and has been decommissioned and demolished, as demonstrated by the supporting documentation provided with the request. The package will be going to OP for review by the end of the week.

Recap of Past Week

- **Meeting with Tribal Air Programs** – On September 12, as part of the Tribal Air Monitoring Support Steering Committee and National Tribal Air Association Executive Committee Joint In-Person Meeting, OAR staff briefed attendees on air-related actions of interest to Tribes.

Office of Chemical Safety and Pollution Prevention**OFFICE OF CHEMICAL SAFETY & POLLUTION PREVENTION****WEEKLY REPORT – September 14, 2017****IMPORTANT DEADLINES**

Determination Type	TSCA New Chemicals Determinations		
	Pending on 9/5/2017	Determinations Completed* as of 9/5/2017	Determinations Posted on the Website as of 9/5/2017
# of "not likely" determinations	1	102****	102****
# of §5(e) Orders signed by both EPA and the submitter	-	262	260
# of §5(e) Orders signed by EPA and awaiting submitter signature	86	-	-
# of cases in Order development process	230***	-	-
# of cases flagged for in-depth review	51	-	-
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	19	-	-
# of LVE/LOREX exemption grants	-	448	441*****
# of LVE/LOREX exemption denials	-	98	88*****
Total number of cases	385	910	-
Normal active workload for the New Chemicals Program	300	-	-
Number of cases undergoing testing or data development by submitter	79	-	-
Backlog**	6	-	-

*"Determinations Completed" means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).

** (Total number of cases) – (Normal active workload for the New Chemicals Program) - (Number of cases undergoing testing or data development) = Backlog

*** Of these cases, approximately 74 are "active" lung toxicity cases that are suspended while submitters conduct testing to develop data on pchem properties and toxicity.

**** "Not Likely" determinations are not posted until the final determination document is prepared and has been shared with submitter.

***** Previous editions of this table included cases for which either an interim or a final determination of "not likely" had been made.

This edition only includes cases for which a final determination has been made.

***** Different criteria had been used in editions of this table prior to May 23, 2017, for the counting of exemptions for “determinations completed” and “determinations posted.” These have now been standardized.

HOT ISSUES

Hurricane Relief Efforts. OPP continues to provide support for the Hurricane Harvey response. OPP has provided information to the Emergency Operations Center on mosquito control, IPM, and different methods of vector control, including larvicides and adulticides; and Naled. OPP also provided the Emergency Operations Center with materials developed in collaboration with CDC for the Zika outbreak: www.cdc.gov/zika/vector/aerial-spraying.html and www.cdc.gov/zika/.

Chemical Data for Areas Affected by Hurricanes. OCSPP has continued to pull together information on chemical facilities in areas that have been impacted by Hurricane Irma. This information includes chemical facility, sector, and release information collected under OCSPP’s Toxics Release Inventory (TRI) program, as well as information on chemicals manufactured and imported collected under OCSPP’s Chemical Data Reporting (CDR) Rule.

CBI Substantiation Extension. OCSPP will soon be extending the compliance date for submitters who claimed information as confidential between June 22, 2016 and March 20, 2017 to provide substantiation for those claims. Specifically, the Agency is now giving those submitters until October 19, 2017, to submit the substantiations required by TSCA section 14(c)(3). This extension is in response to concerns raised by industry stakeholders regarding the ability to meet the previous September 19, 2017 deadline – OCSPP is providing additional flexibility to stakeholders due to the impacts of Hurricanes Harvey and Irma.

Formaldehyde Compliance Dates. OCSPP will soon be publishing a final rule in the Federal Register to extend the compliance dates under the Formaldehyde Emission Standards for Composite Wood Products rule. In the interim, OCSPP is making available a signed prepublication version of the rule. This action adds regulatory flexibility for regulated entities, reduces compliance burdens, and helps to prevent disruptions to supply chains. Additionally, the final rule extends the end of the transitional period during which Third Party Certifiers (TPCs) recognized by the California Air Resources Board (CARB) may certify composite wood products under TSCA Title VI without accreditations issued by an EPA TSCA Title VI Accreditation Body.

Formaldehyde Voluntary Consensus Standards. OCSPP will soon publish a direct final rule to update several voluntary consensus standards listed at 40 CFR § 770.99 and incorporated by reference in the Formaldehyde Emission Standards for Composite Wood Products rule. These updates apply to emission testing methods and regulated composite wood product construction characteristics. Several of those voluntary consensus standards (technical specifications for products or processes developed by standards-setting bodies) were updated, withdrawn, and/or superseded through the normal course of business by these various bodies to take into account new information, technology, and methodology.

Reports of Crop Damage from Use of the Pesticide Dicamba. The Office of Pesticide Programs (OPP) is continuing to lead efforts to assess and understand reported damage to non-target crops from the use of dicamba to control weeds in genetically-modified cotton and soybeans. Monsanto and BASF are the primary companies that market these dicamba products for “over-the-top” applications in-season. To address these risks, the two companies have proposed additional restrictions for dicamba, to be implemented in time for the

2018 growing season. EPA will continue to work with Monsanto and BASF to make the necessary changes to these registrations. These additional restrictions include: limiting applications to times when wind speeds are below 10 miles per hour, limiting the time of day during which applications can occur, lowering tractor speeds during applications, and reclassifying these products as “restricted use pesticides.” The reclassification of these products as “restricted use pesticides” will enable the states to mandate specific training for the proper use of these products and require that farmers maintain specific records regarding the use of these products, which will aid the states in any follow-up investigations they may need to conduct. In September, we expect to be able to announce an “agreement in principle” for these new restrictions, which will allow farmers to make informed choices for seed purchases for the 2018 growing season.

UPCOMING DECISIONS

Registration of the New Active Ingredient Florpyrauxifen-benzyl (Rinskor Herbicide). In September, OPP expects to publish a final regulatory decision for the new active ingredient florpyrauxifen-benzyl (Rinskor Herbicide). Rinskor is an aquatic herbicide that will be used to control weeds in rice paddies and to control invasive weeds in slow moving aquatic areas, such as lakes, ponds, marshes, slow moving areas in rivers. The proposed decision for Rinskor was published on June 28, 2017, and remained open for 30 days. The Agency received a total of 40 comments during that period, with 38 in favor of the registration of Rinskor. Rinskor is considered to be a reduced risk herbicide because it shows extremely low toxicity to humans and demonstrates less potential risk to humans and other animals than the available aquatic herbicide alternatives. The registration of Rinskor will provide rice growers with an additional tool for weed resistance management, and will also provide aquatic weed managers with an additional tool to combat invasive weeds that are otherwise very difficult to control and a threat to natural aquatic species.

UPCOMING MEETINGS AND PUBLIC EVENTS

State Officials and FIFRA Meeting. On September 18, OPP will host a meeting with the State-FIFRA Issues Research and Evaluation Group (SFIREG), a network of state officials interested in Federal/State "co-regulation" of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). SFIREG was established by the Association of American Pesticide Control Officials (AAPCO) with support from EPA.

Chlorine Institute Fall Meeting. On September 26, an OPP representative will serve on a panel of regulatory experts at the Chlorine Institute’s fall meeting to provide an overview of the agency and its chlor-alkali related regulatory priorities. The panel members are to include representatives from the EPA, Department of Homeland Security, Occupational Safety and Health Administration, and Department of Transportation Pipeline and Hazardous Materials Safety Administration.

Marinas and Recreational Boating Workgroup. On September 28, an OPP representative will give a remote presentation to the Marinas and Recreational Boating Workgroup on the agency’s proposed path forward for the copper compounds registration review case, with a focus on antifouling paints. The Marinas and Recreational Boating Workgroup is coordinated by the California Coastal Commission and the State Water Resources Control Board.

LAST WEEK HIGHLIGHTS

Workshop on Methylene Chloride. On September 12, OCSPP, in collaboration with the Small Business Administration (SBA) Office of Advocacy, held a public workshop on the use of the paint remover methylene chloride in furniture refinishing. The workshop was intended to inform EPA's understanding of the use of the chemical, which is the subject of a proposed Section 6 rule and also one of the first ten chemicals identified for risk evaluation under TSCA. OCSPP learned during previous consultations with small businesses that many commercial furniture refinishers rely on methylene chloride for paint and coating removal. The meeting, held at EPA Region 1 Headquarters in Boston, Massachusetts, was attended by approximately 15 stakeholders in person, numerous staff from OPPT and Region 1, and an additional 120 people participating remotely. There were 11 speakers representing professional furniture refinishers, chemical companies, national and local representatives from the NGO community, academic experts, and state government. Questions and comments prompted discussions on topics relating to commercial and consumer use of methylene chloride in furniture refinishing, the effects bans or regulations may have on businesses, the pros and cons of various alternatives, health risks associated with methylene chloride, and labeling of consumer and commercial products.

Pollinator Research Task Force (PRTF) Briefing. On September 12, a consortium of pesticide registrants known as the Pollinator Research Task Force (PRTF) met with OPP staff to report their current research efforts. One recently completed project involved evaluating modifications to the recent Organization for Economic Cooperation and Development Guidance Document (OECD GD 239) for chronic toxicity testing with honey bee larvae. These modifications have improved controlled bee survival. The PRTF also provided updates on their assessment of pollen and nectar consumption rates for bees, such rates serve as input values for EPA models used for estimating exposure to bees. The PRTF is also examining factors associated with overwintering losses of honey bee colonies, and using simulation models such as BEEHAVE to evaluate the extent to which these factors influence winter mortality. The PRTF expressed an interest in working closely with EPA and the U.S. Department of Agriculture to explore possible research that could be used to quantify crop attractiveness to bees. Industry representatives expressed concern that the USDA publication, *Attractiveness of Agricultural Crops to Pollinating Bees for the Collection of Nectar and/or Pollen*, is relatively qualitative and that a more quantitative approach would better inform EPA risk assessments. See link to publication: https://www.ars.usda.gov/ARSUserFiles/OPMP/Attractiveness%20of%20Agriculture%20Crops%20to%20Pollinating%20Bees%20Report-FINAL_Web%20Version_June%202017.pdf

USDA Shadow/Visit with The Office of Pesticide Programs. During the week of September 11-15, Jonathan Senn-Carter, a chemist with USDA's AMS Pesticide Data Program (PDP), participated in a shadow/visit with the Office of Pesticide Program's Health Effects Division (HED). Jonathan is a liaison for the Texas and Washington USDA labs where his responsibilities include providing sampling plans and priorities of chemicals. Jonathan is also responsible for preparing the monthly reports on presumptive tolerance violations. During Jonathan's visit with OPP, he attended Chemical Science Advisory Council meetings on crop groups and worked with OPP scientists to gain a better understanding of how OPP uses PDP data. Jonathan shared information on how PDP collects their samples and generates pesticide residue data on food. The Health Effects Division shared ways of estimating dietary exposure and risk to pesticides with PDP data.

Office of the Chief Financial Officer

Hot Issues

- On September 8, OCFO issued a memo summarizing the FY 2018 Continuing Resolution, passed by Congress on same day and signed into law (P.L. 115-56) by the President on September 8. The CR funds the Federal government through December 8 at the FY 2017 Enacted level less an 0.6791 percent government-wide reduction. OCFO is currently working on drafting CR guidance to issue to the agency.
- On September 14, the House of Representatives passed HR 3354 -- a FY 2018 Omnibus appropriations

bill. This bill funds the EPA at \$7.40 billion, which is \$659 million below the FY 2017 Enacted and \$1.74 billion above the FY 2018 President's Request. OCFO will issue a memorandum to Senior Leaders shortly providing additional details.

- Next week, the Senate Appropriations Subcommittee tentatively plans to mark-up its version of the FY 2018 appropriations bill. In response to a previous Senate Appropriations Subcommittee request and after coordinating review with the Policy Team, Chief of Staff, and OGC, OCFO sent remaining approved policy and funding capability/impact statements to the Senate Subcommittee on September 8. In addition, after coordinating within the agency, OCFO also submitted responses to the FY 2018 EPA Budget Hearing Questions for the Record (QFRs) to OMB for approval prior to Hill transmittal. SAC will insert QFRs into the Senate hearing record which is available to the public.
- On September 11, OCFO provided OMB with the FY 2019 OMB Submission and Over-Target Request, draft FY 2018-2022 Strategic Plan, reform plan, and workforce plan as required by OMB guidance. While submitted to OMB, the draft *Plan* is awaiting additional review by OPA Director. OCFO is preparing for the agency's budget hearing for OMB scheduled for September 15 @ 2:00 pm. NPM-specific OMB briefings are scheduled from September 18-27.
- OCFO continues to work with the relevant headquarters and regional offices on the financial aspects supporting the EPA's responses to Hurricanes Harvey and Irma. Continuing to work with programs and regions on Hurricane Harvey and Irma Issues. To date, EPA has received 16 mission assignments for a total of \$31.4 million to support Hurricane Harvey and Irma responses. This is in addition to funding from within EPA's base appropriate funding. On September 8, OCFO responded to Appropriator's questions on source/availability of resources for hurricane response. OCFO is working with headquarters and regional offices to develop estimates for the response to both hurricanes and will engage with OMB and FEMA to identify any supplemental funding needs.

Upcoming Public Events

- After clearance by EPA's OPA Director and OMB, OCFO will initiate public comment on the draft FY 2018-2022 Strategic Plan on September 25 through the end of October. This period also will include tribal consultation.

Upcoming Major Decisions

- Pending discussions with the Chief of Staff and Chief of Operations on using excess FY 2017 payroll funds to meet unfunded requirements.
- OCFO provided to Policy Team member for review final NPM Guidances and responses to comments, except OECA's. The final FY 2018-2019 NPM Guidances and responses to comment are anticipated to be published on the internet on September 29.

Last Week Highlights

- The E-Enterprise Leadership Council (EELC) met in conjunction with the Environmental Council of States meeting on September 13-14, 2017 in Jackson, WY. The agenda included discussions on: Business Process Improvements in Permitting; the Shared Services Strategy for environmental programs; the *Be Well Informed* application; Tribes Leveraging E-Enterprise; and the role of the recently established E-Enterprise Regional Coordinators. The EELC meetings are intended to foster EPA, State and Tribal collaboration and streamlining of processes where we have shared intergovernmental responsibilities, and to exemplify the principles of Cooperative Federalism.

Other

- OCFO is preparing to issue memorandum to senior leaders and communications to employees regarding downtime associated with PeoplePlus, the agency's time and attendance system, from September 29

through October 4 due to a systems upgrade. The downtime will require early time entry for employees and approvals by supervisors.

Office of Congressional and Intergovernmental Relations

Weekly Update for OCIR

Week of September 18, 2017 – September 29, 2017

- ***Upcoming Hot Issues and Important Deadlines***

- **September 20** - Nominations for SEPW at 10am Michael Dourson, OCSP; David Ross, OW; Matt Leopold, OGC; Bill Wehrum, OAR
- **TBD** Senate Environment and Public Works Committee Hearing on the President's FY 2018 Budget – Agency witness: Administrator Pruitt

- ***Upcoming Events***

- **September 19** – Will host call with House Agriculture Committee staff (Chairman Conaway) to discuss EPA's enforcement process in general and more specifically EPA's role in the Duarte CWA case. (OECA)
- **September 20** – Will briefed OMB on DW Needs Survey Report w/OW
- **September 20** - Will meet with Mayor Michael Kelly and City Administrator Dave Nelson to discuss the city's planned infrastructure and community economic development projects.
- **September 21** – Will host call with the House Oversight and Government Reform Subcommittee on Intergovernmental Affairs staff to discuss EPA's Enforcement database case tracking system.
- **September 29** – Will meet with Mayor Debora Fudge, Mayor of Windsor, CA. OIR will continue to work with the city's Washington representative to secure additional information on the city's projects of interest for the meeting with headquarters Program and Region IX staff.

- ***Past week accomplishments***

- **September 11-12** – Attended ECOS Themed, "Bright Ideas: States Leading the Way." The agenda covered current issues for state environmental agency leaders, with a strong emphasis on business process improvement. Ken Wagner, Senior Advisor to the Administrator for Regional and State Affairs participated on a panel to discuss the evolving relationship between states and EPA, and Henry Darwin, Assistant Deputy Administrator & Chief of Operations, participated in an interactive session on streamlining and management innovation.
- **September 11-14** - The National Association of State Departments of Agriculture held its annual meeting September 11-14, 2017 in New Orleans, Louisiana. The Business Meeting took place September 14. A new slate of officers and consider adoption of policy resolutions were selected.
- **September 12-14** - The Mississippi Rivers Cities and Towns Initiative hosted its 6th Annual Meeting in St. Louis, MO. The Annual Meeting is co-hosted with the National Caucus of Environmental State Legislators. Twenty-four state legislators were expected from the ten

state Mississippi River corridor.

- **September 13** - HEC Environment Subcommittee held a legislative hearing entitled “Big Relief for Small Business: Legislation Reducing Regulatory Burdens on Small Manufacturers and Other Job Creators.” The hearing covered HR 350, Recognizing the Protection of Motorsports (RPM) Act; HR 453, Relief from New Source Performance Standards Act; HR 1917, Blocking Regulatory Interference from Closing Kiln (BRICK) Act; and HR 1119, Satisfying Energy Needs and Saving the Environment (SENSE) Act. No EPA witness.
- **September 14** – Briefed Sen. Udall (NM) staff on PRIA, WPS, CPA, and perchlorate w/OCSP
- **September 14** - Doug Keith, Executive Director, and Chuck Hauser, Engineer, representing the Authority, met with OIR, Lee Forsgren, Deputy Assistant Administrator for Water, other Office of Water staff, and Region III

- ***Ongoing activities***

- Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests. We closed out 33 letters during the previous two weeks. We received 7 new FOIA’s this week.
- Participating in responses to hurricanes Harvey and Irma. Coordinating with state and local elected officials to ensure seamless communications
- OMB asked for comment on S.1460 the *Energy and Natural Resources Act of 2017*. The bill is the successor to Sen. Murkowski and Sen. Cantwell’s legislation from the previous Congress. This bill was placed directly on the Senate Calendar for expedited floor consideration. It has 11 titles ranging from energy efficiency to conservation to infrastructure to Native American energy.
- We are working on a request from CBO about questions on HR3053 Nuclear Waste Policy Amendments Act of 2017

Office of Enforcement and Compliance Assurance

Office of Enforcement and Compliance Assurance Weekly Report – Larry Starfield, Acting AA

Hot Issues

Hurricane Response:

Fuel Waivers - OECA (in conjunction with OAR) issued an additional fuel waiver for Texas gasoline and diesel fuel shortages on September 13th, and is continuing to monitor the fuel supplies in all of the areas impacted by Hurricanes Harvey and Irma. In addition, seven “no action assurances” have been issued to address fuel and power/utility infrastructure issues in Texas and Florida. OECA is continuing to coordinate with the regions and states affected by the hurricanes, and is prepared to take any additional actions necessary to facilitate response and recovery efforts.

Hurricane Irma Support - OECA’s Criminal Investigation Division (CID) sent a team of 12 special agents, most with specific National Criminal Enforcement Response Team (NCERT) training, to the US Virgin Islands. Region 2 requested CID law enforcement support to assist with environmental assessments under ESF 10 on St. Thomas and St. John, as a result of the effects of Hurricane Irma.

Volkswagen Settlement - Outreach to States: EPA is finalizing its outreach strategy to States while it awaits court approval of the proposed Environmental Mitigation Trust Agreements in connection with the civil settlement with Volkswagen in 2016. As part of the outreach effort, OECA, in coordination with OCIR and OAR, plans to contact state Governor’s offices shortly after the court approves the Trusts, but before executed copies are filed. The primary purpose of the outreach is to ensure that each state understands that the 60-day deadline for applying to become a beneficiary will begin once the executed Trusts are filed with the court, and that to become a beneficiary to the Trust, each state must fill out and submit a Certification Form. Each Certification Form must include a designation of lead state agency, certified by the Office of the Governor.

Upcoming Public Events

On Tuesday, September 19th, Patrick Traylor, OECA Deputy Assistant Administrator, will meet with the Corporate Environmental Enforcement Council (CEEC) in Washington, DC, to discuss compliance and enforcement issues impacting CEEC members. Closed press.

On Thursday, September 21st, DAA Traylor will speak at the Association of Air Pollution Control Agencies (AAPCA) 2017 Fall Business Meeting to discuss compliance and enforcement issues impacting AAPCA members. Closed press.

Upcoming Major Decisions

None.

Last Week’s Highlights

Federal Facility Compliance Assistance Webinar: On September 14th, OECA held a compliance assistance webinar on the Clean Air requirements for Reciprocating Internal Combustion Engines (RICE) for federal facilities as part of an overall compliance strategy. RICE engines are found at federal facilities across the country, and a number of federal facilities have had violations of these requirements, as well as questions about compliance with the regulations (e.g., Region 1 recently settled a RICE case with a Navy site in Maine with a significant penalty for a federal facility). There were approximately 500 registrants signed up for the

webinar, including 40 state participants and 200 from the Department of Defense, as well as a number from other federal agencies (e.g., NASA, Veterans Administration, Department of Energy, General Services Administration). Presenters included staff from OAR, OECA and Regions 1 and 4. The webinar will be posted on FedCenter, EPA's virtual compliance assistance center for federal facilities.

TSCA Final Order with International Maritime Services Company: On September 13th, the Environmental Appeals Board issued a final order that resolves violations of TSCA by Wilhelmsen Ships Services (WSS) and requires the company to comply with all terms of the Consent Agreement. WSS is an international maritime company that imports marine cleaning and maintenance chemicals. Based on a tip, EPA inspected WSS' headquarters and found non-compliance with TSCA testing rules and orders, new chemical notice requirements, and the Chemical Data Reporting Rule (CDR). These violations are significant – for example, because of the noncompliance, chemicals entered into U.S. commerce without EPA review to assess potential risks to health and the environment. Pursuant to the Consent Agreement, WSS will cease illegal imports, correct CDR submissions, develop a compliance management plan, and pay a civil penalty of \$1.3M.

Clean Air Act Settlement with Bus Manufacturer: On September 12th, OECA's Vehicle and Engine Enforcement Branch lodged a Consent Agreement and Proposed Final Order (CAFO) with the Environmental Appeals Board (EAB) resolving allegations that Van Hool sold 1,906 buses since 2014 without first securing a Certificate of Conformity from the EPA. These Certificates are the core requirement for vehicles and engines under Title II of the Clean Air Act, and are the means by which the EPA confirms that vehicles and engines conform to emissions standards before they are sold. The CAFO, if approved by the EAB, requires Van Hool to pay a civil penalty of \$575,000.

Guilty Plea for Lead Paint Disclosure Violations: On September 7th, a real estate agent in New York pled guilty to a violation of 42 U.S.C. 4852d(b)(5), failure to comply with the TSCA Lead Disclosure Rule. In 2015, EPA's criminal program received a complaint from recent home purchasers in Lockport, New York, that the seller of their home did not notify them of the known presence of lead hazards in the home. The real estate agent representing (and also a relative of) the seller advised the seller not to provide a comprehensive lead testing report to the purchasers that showed potential lead hazards unless it was requested, and thus the purchasers were not made aware of the hazards, as required by law. Soon after, the purchasers' 2-year-old son was diagnosed with lead poisoning. It was discovered that the seller's son also previously had lead poisoning. This case was investigated by the EPA Criminal Investigation Division, with assistance from EPA Region 2 and the Veterans Administration's Office of Inspector General. Sentencing is scheduled for December 11, 2017.

Office of Environmental Information

Office of Environmental Information Weekly Report – 9/14/17

Last Week's Highlights

Enforcement and Compliance History Online (ECHO) Implements North American Industrial Classification System (NAICS) Web Service

- **Brief description:** The EPA's ECHO system implemented OEI's NAICS lookup service. The service allows ECHO users to search for facilities' enforcement and compliance data based on NAICS code, without leaving the ECHO system.
- **Who benefits or cares:** The EPA's enforcement and compliance staff; the EPA's federal, tribal, state and local government partners; nonprofit and community groups; business and industry; academia; and the general public.
- **Why this is important:** Previously, ECHO users were directed away from the page to a Census website, where they would have to manually look up the NAICS information.
- **Additional information:**
 - The NAICS web service maps all previous versions of the NAICS code set, as well as the older Standard Industrial Classification (SIC) codes, ensuring that all data will be presented, even if a facility is reporting using older NAICS or SIC codes.

Geospatial Advisory Committee Meeting Highlights 2017 Accomplishments and 2018 Priorities

- **Brief description:** Last week, the EPA Geospatial Advisory Committee (EGAC) met for the annual review of the agency's geospatial activities. The Committee reviewed Fiscal Year (FY) 2017 accomplishments and FY2018 priority areas. These included:
 - FY2017 Accomplishments:
 - Completed the Geospatial Workforce Support Planning Study.
 - Approved mobile apps for field work and tested ArcGIS Portal, Geo Event Server and Insights.
 - Upgraded the Environmental Dataset Gateway (EDG).
 - Released a new version of EJScreen, which won the 2017 ESRI Special Achievement in Geographic Information Systems (GIS) Award.
 - FY2018 Priority Areas:
 - Renegotiate Esri Enterprise License Agreement.
 - Improve data priority settings.
 - Empower GeoPlatform administrators through the GeoPlatform Online (GPO) Dashboard.
 - Communicate Geospatial Workforce Support Study findings.
- **Who benefits or cares:** EPA GIS staff; the EPA's federal, tribal, state and local government partners; nonprofit and community groups; business and industry; academia; and the general public.
- **Why this is important:** The work of the EPA's Geospatial program and staff ensures that the EPA and its stakeholders see continuous improvement of the geospatial data the EPA provides to support the EPA's mission of protecting human health and the environment.
- **Additional information:** More information about the meeting is available on the SharePoint site.

Office of General Counsel

OGC Weekly Report for 09/14/17

New Judicial Decisions

- On September 11, 2017, the Tenth Circuit granted Petitioners' and Petitioner-Intervenors' motions to stay the portions of EPA's Final Rule partially disapproving Utah's regional haze plan and promulgating a federal implementation plan. Although EPA had initially opposed a stay, the agency recently informed the Court that it did not oppose the requested relief. The Court noted only that "a stay is appropriate in the circumstances of this case and in an exercise of its discretion." The Tenth Circuit also granted EPA's motion to put the Utah regional haze litigation in abeyance in light of EPA's decision to reconsider the Final Rule, and ordered EPA to file a status report on December 15, 2017, and every 90 days thereafter. (*Utah v. EPA*)

New Complaints Filed

- American Gilsonite Company, Inc. (AGC) filed a Petition for Review in the 10th Circuit Court of Appeals on September 11, 2017, challenging EPA's denial of an aquifer exemption (AE) near its Gilsonite Mine in Bonanza, Utah. The AE was necessary to allow injection into the Bird's Nest Aquifer via an existing Class V Underground Injection Control (UIC) permit to inject wastewater fluid from the mining operations. AGC currently discharges the wastewater to a tributary of the Colorado River subject to an EPA issued NPDES permit. However, AGC is non-compliant with its NPDES permit and under an enforcement agreement to remedy the violations. The UIC permit was AGC's preferred remedy to address the wastewater violations, as opposed to constructing additional treatment capacity. (*American Gilsonite v. EPA*)

New Petitions that OGC is Aware Of

- None this week

Hot Issues

- EPA issued the Final Rule postponing certain compliance dates in the 2015 Steam Electric ELG Rule until EPA completes its next rulemaking. The preamble also removed the 705 stay issued earlier this year.
- On Thursday September 14th, the DC Circuit heard oral argument in *South Coast Air Quality Management District v. EPA* (Docket 15-1115). This case consolidates challenges from South Coast Air Quality Management District and a group of environmental petitioners to EPA's 2008 ozone SIP Requirements Rule, which established implementation requirements for the 2008 ozone NAAQS and revoked the 1997 ozone NAAQS. The argument was divided into two parts. The first portion dealt with the issue raised by South Coast Air Quality Management District (RFP emission reductions must come from within the nonattainment area). The argument went well on this portion and the court did not seem convinced by South Coast's argument. The second portion dealt with the issues raised by the

environmental petitioners, though the court almost exclusively focused on the requirements put into place upon our revocation of the 1997 standard. This part of the argument was much more mixed, and it is hard to predict in what direction the court will decide.

- The EPA's first FOIA Training Conference in over a decade was a huge success. OGC and OEI were pleased to welcome nearly 200 FOIA practitioners from across the agency this Tuesday- Thursday for a comprehensive training on the lifecycle of a FOIA request. More reporting out to come, but for now we reiterate our appreciation for your support of this effort.

Upcoming Public Events & Important Meetings in the Next Two Weeks

- Hearing on the nomination of Matt Leopold to be EPA General Counsel scheduled at 10:00 on Wednesday September 20th.
- The Fall Trade Association Legal Representatives and EPA OGC Dialogue Meeting will be held on Wednesday September 27th.

Upcoming Major Deadlines in the Next Two Weeks

- 09/15 Oral Argument in *Sierra Club v. EPA*, a challenge to major source boilers reconsideration.
- 09/15 EPA's Response to Cedar Falls Utilities Motion to Stay CSAPR Update is due in *Wisconsin v. EPA*, a petition for review of EPA's Final Rule titled "Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS."
- 09/15 Pursuant to a Consent Decree in *Sierra Club v. Jackson*, EPA must propose RTR for Portland Cement Manufacturing Industry.
- 09/15 Case Management Conference with the judge in *Pineros y Campesinos Unidos Del Noroeste, et al. v. Pruitt*.
- 09/15 Deadline for challengers to file a certiorari petition requesting review of the 2nd Circuit decision upholding the EPA's water transfer rule in *Catskill Mountain Chapter of Trout Unlimited v. EPA*.
- 09/18 Motion to Govern Further Proceedings is due in *American Petroleum Institute v. EPA*, petitions for review of EPA's 2012 oil and gas NESHAP revision based on residual risk and technology review.
- 09/18 Motions to Govern is due in *Truck Trailer Manufacturers Association v. EPA*, a petition for review of EPA final rule "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2."
- 09/18 The Administrative Record is due in *Pineros y Campesinos Unidos Del Noroeste, et al. v. Pruitt*.
- 09/18 Reply to Response to Proposed Protective Order is due in *National Family Farm Coalition, et al. v. EPA*, a petition for review of the EPA Order granting registration under FIFRA section 3 of Monsanto's "Xtendimax with VaporGrip Technology," containing the herbicide dicamba DGA salt, for use on

genetically engineered (GE) cotton and soybean in 34 states. The petition for review generally alleges violations of FIFRA and the ESA.

- 09/20 Oral argument in *Sierra Club v. EPA*, a challenge to the transportation conformity guidance update.
- 09/20 EPA's Answer is due in *California v. EPA*, a FOIA litigation concerning a 32 part FOIA request submitted by California seeking a variety of ethics-related records concerning Administrator Pruitt.
- 09/20 The representative sample of documents for *in camera* review and any associated supplemental brief is due in *Hunton & Williams v. EPA*, a FOIA matter pertaining to the EPA Region 9 Office of Water's response to a FOIA request seeking records relating to an Approved Jurisdictional Determination (AJD) for the DMB Redwood City Saltworks site.
- 09/21 The Rule 26(f) Report is due in *Bd. of Comm'rs of Cleremont Cty. v. EPA*, a FOIA matter arising from a FOIA request in which Plaintiff alleges that documents were inappropriately withheld and that Agency was unable to locate documents that were identified in the initial response to the request.
- 09/22 Motions to Govern due in *State of Texas, et al. v. EPA*, a petition for review of EPA's final rule titled "Protection of Visibility: Amendments to Requirements for State Plans."
- 09/22 Motion to Govern due in *Samuel Masias, et al. v. EPA*, a petition for review of the Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard-Round 2.
- 09/22 EPA's first document production is due in *Pesticide Action Network of North America v. EPA*, a FOIA matter related to two FOIA requests seeking communications between EPA and dowAgroSciences and outside groups regarding chlorpyrifos.
- 09/22 Joint Motion to Govern Further Proceedings is due in a series of cases, all titled *CBD, et al. v. EPA*, challenging the granting of registrations for the following new active ingredients: Flupyradifurone, Benzovindiflupyr, Cuprous Iodide, Halauxifen-methyl.
- 09/22 EPA's brief on mootness in support of its Cross-Motion for Summary Judgment is due in *Clean Water Action, et al. v. EPA*, a challenge to EPA's postponement of certain compliance deadlines in steam electric rule pursuant to APA section 705.
- 09/22 EPA's Answer is due in *Environmental Law & Policy Center, et al. v. EPA, et al.*, where plaintiffs allege that EPA's approval of Ohio's Clean Water Act Section 303(d) List was arbitrary and capricious because Ohio improperly declined to assess the impairment status of the open waters of Lake Erie notwithstanding data and information that might indicate those waters are failing to attain applicable water quality standards for algae.
- 09/22 EPA's Reply Brief in support of its MTD municipal stormwater residual designation authority petition lawsuit is due in *LA Waterkeeper v. EPA*.
- 09/22 Target date for EPA's Brief on mootness in *Clean Water Action, et al. v. EPA*, a challenge to EPA's postponement of certain compliance deadlines in steam electric rule pursuant to APA section 705.
- 09/25 Answer is due in *Sierra Club, et al. v. EPA*, litigation where plaintiffs allege that the EPA failed to grant or deny a petition to object to a proposed Title V Operating Permit for Wheelabrator Frackville

Energy, Inc. power plant in Schuylkill County, Pennsylvania.

- 09/25 EPA's Answer to Plaintiff's Amended Complaint in *Natural Resources Defense Council v. EPA*, FOIA litigation concerning policy/guidance/instructions to EPA staff to remove information or webpages from EPA's website.
- 09/25 Answer or Motion to Dismiss is due in *Food and Water Watch v. EPA*, a challenge to EPA's denial of section 21 petition concerning fluoridation chemicals.
- 09/25 Joint Appendix due in *OVEC v. Pruitt*, an appeal of district court order that EPA act on constructive submission of no TMDLs for biologically-impaired streams in West Virginia.
- 09/26 EPA's Response Merits Brief is due in *State of Utah, et al. v. EPA*, a petition for review of EPA's final rule entitled "Approval, Disapproval and Promulgation of Air Quality Implementation Plans, Partial Approval and Partial Disapproval of Air Quality Implementation Plans and Federal Implementation Plan, Utah, Revisions to Regional Haze State Implementation Plan, Federal Implementation Plan for Regional Haze."
- 09/26 EPA must file a separate or joint motion setting forth a proposed revised briefing schedule for those issues that have not been severed and held in abeyance in *Southwestern Electric Power Co. v. EPA*, a challenge to the 2015 Steam Electric ELG Rule by Industry, Environmental Group, and Drinking Water Utility Petitioners.
- 09/27 Oral Argument in *Ukeily v. EPA*, petition for review of EPA's approval of Colorado's second 10-year PM10 Maintenance Plan for Lamar.
- 09/27 Motion to Dismiss is due in *Masters v. Obama*, a constructive fraud case regarding the use of the words Climate Change and Greenhouse Gases.
- 09/29 Pursuant to a Consent decree, EPA must sign a notice of final rulemaking in *Center for Biological Diversity, et al. v. EPA*, a deadline suit for failure to submit and failure to act on 1997 & 2008 ozone attainment SIPs.
- 09/29 Take final action by promulgating a FIP or unconditionally approving a SIP to address the BART requirement for EGUs in Texas in *National Parks Conservation Association, et al. v. EPA*.

Office of International and Tribal Affairs

Hot Issues:

Minamata Convention on Mercury - EPA (OITA, OAR, OCSPP, OLEM, OGC) will be part of the U.S. delegation to the first Conference of the Parties (COP1) of the Minamata Convention on Mercury on September 24-29 in Geneva. The Convention addresses global sources of mercury, which contribute approximately 70 percent of mercury deposited in the contiguous United States. A number of technical issues will be discussed, which include monitoring mercury in the environment, evaluating the effectiveness of the Convention, reporting forms and frequency, the financial mechanism to support the Convention's work, and the location of the Permanent Secretariat.

Upcoming Engagements:

September 18 – Meeting with Columbia Inter-Tribal Fisheries Commission to discuss the modernization of the Columbia River Treaty with Canada.

September 20 - Meeting with the Administrator and Minister of the Taiwan Environmental Protection Agency to discuss bilateral and regional cooperation.

September 26 – Meeting with the Administrator and U.S. Chamber of Commerce to discuss voluntary international private sector initiatives.

Past Week Highlights

Meeting with Alaska Lt. Governor Mallott – OITA and Region 10 met with Alaska Lt. Governor Mallott and the State Department to discuss transboundary pollution issues associated with large scale mining development in British Columbia, particularly the impacts to tribal communities and resources.

- The Lt. Governor and Senator Sullivan are tentatively planning a visit to Ottawa in November to raise Alaska's concerns with the Government of Canada, which may include a meeting with Minister McKenna. The Lt. Governor also met with the Canadian Embassy while in Washington.
- The State Department noted that the U.S. Embassy is focusing greater attention on water issues with British Columbia and that Ambassador Craft will be arriving in Ottawa in October.
- The Lt. Governor would like the federal government to explore greater bilateral cooperation with Canada on water quality monitoring and environmental assessment of projects affecting transboundary watersheds.
- The State Department and EPA hold semi-annual bilateral meetings with Canada where we have raised Alaska (and Montana) concerns on transboundary pollution from British Columbia mining and we agreed to raise these concerns again.

TSCA Reform Meeting with China

EPA (OITA and OCSPP) hosted a meeting to discuss the new toxic substances regulations in the United States with the Chemical Inspection and Regulation Service (CIRS) China, which is a leading product safety and chemical management firm based in China.

- The CIRS serves as a bridge between industry and regulatory authorities in China and they were in Washington to conduct a workshop on chemical regulations in China.
- OCSPP staff explained the 2016 Toxic Substances Control Act Amendments and how EPA regulates new and existing chemicals.
- CIRS was interested in how the TSCA reform would impact foreign companies, including procedures for foreign companies submitting information for reviews and submitting new chemicals premanufacture notices.

Office of Land and Emergency Management

Hot Issues

1. **Hurricanes.** The Headquarters Emergency Operations Center (HQ EOC) remains activated since its initial activation on August 28 and is at Level 1 operations in support of the Region 6 response to Hurricane Harvey and the Region 2 and 4 responses to Hurricane Irma. All N-IMAT members demobilized from the response on September 12, 2017. A partial N-IMAT Backup Region (BUR) 1 deployed to the Region 2 REOC, Edison, NJ to begin operations on September 6, 2017.
2. **CCR State Permit Program Guidance.** On August 10, the interim final guidance was released. EPA is accepting comments for 30 days following its Aug 15th publication in the Federal Register. The comment period closes September 14.
3. **Mississippi Phosphates Corp. Site (Pascagoula, MS).**
4. **CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing.** OLEM, OGC, and OP met with OMB on September 8 to discuss the status and schedule of this effort.
5. **Clean Air Act 112(r) Risk Management Program Rule.** The motion to stay or summarily vacate the RMP Delay Rule was denied.
6. **Hanford Record of Decision (ROD).**
7. **Other ongoing major Superfund sites (for example, East Chicago, West Lake, Gold King Mine/Bonita Peak, Hudson River, Portland Harbor).**
8. **CERCLA-EPCRA AFO-CAFO Rule.**
9. **Definition of Solid Waste (DSW).** We are working with OGC to follow up on the DC Circuit's decision.
10. **All Appropriate Inquiries Rule.** We think that both the final rule and the withdrawal notice will be published in the Federal Register on September 15.

Upcoming Public Events

1. Nothing to report at this time.

Upcoming Major Decisions

1. **Hanford ROD.** We are working with Region 10 and the AO in preparation to brief the Administrator, and regarding DOE's tribal consultation.
2. **CERCLA-EPCRA AFO-CAFO Rule.** We are conferring with the AO on next steps.
3. **E-Manifest User Fee Final Rule.** The rule package is with OMB.
4. **RMP Modernization Rule Reconsideration.** OLEM, OGC, and the AO are conferring on next steps and

schedule.

Last Week Highlights

1. We are working hard regarding Harvey and Irma and their effects.

Office of Policy

Documents Submitted to OFR September 8 – 14, 2017

FRL	Title	Date Submitted to OFR
9965-64-OAR	Release of Draft Documents Related to the Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	9/13/2017
9966-42-OAR	Allocations of Cross-State Air Pollution Rule Allowances from New Unit Set-Asides for the 2017 Compliance Year	9/13/2017
9967-90-OW	Postponement of Certain Compliance Dates for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	9/13/2017
9967-88-Region 1	Air Plan Approval; Maine; Regional Haze 5-Year Progress Report	9/13/2017
9967-45-Region 9	Approval of California Air Plan Revisions, South Coast Air Quality Management District	9/12/2017
9967-51-Region 6	Approval and Promulgation of Implementation Plans; Arkansas; Revisions to Minor New Source Review Program	9/12/2017
9967-69-OW	Request for Public Comments to be sent to EPA on Peer Review Materials to Inform the Safe Drinking Water Act Decision Making on Perchlorate	9/12/2017
9967-70-OW	Request for Public Comments to be sent to Versar, Inc., on an Interim List of Perchlorate in Drinking Water Expert Peer Reviewers and Draft Peer Review Charge Questions	9/12/2017
9967-83-Region 4	Air Plan Approval; KY; Removal of Stage II Gasoline Vapor Recovery Program	9/12/2017
9967-84-Region 4	Air Plan Approval; Alabama: Infrastructure Requirements for the 2012 PM2.5 National Ambient Air Quality Standard	9/12/2017
9962-56-Region 9	Outer Continental Shelf Air Regulations Consistency Update for California	9/12/2017
9967-41-Region 2	Approval and Promulgation of State Plans for Designated Facilities and Pollutants; United States Virgin Islands; Other Solid Waste Incineration Units	9/12/2017
9967-42-Region 2	Approval and Promulgation of State Plans for Designated Facilities and Pollutants; United States Virgin Islands; Other Solid Waste Incineration Units	9/12/2017
9965-38-OCSPP	Pesticide Product Registration; Receipt of Applications for New Uses	9/12/2017

9965-42-OCSPP	Pesticide Product Registration; Receipt of Applications for New Active Ingredients	9/12/2017
9965-43-OCSPP	Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities	9/12/2017
9967-16-ORD	Human Studies Review Board Advisory Committee	9/12/2017
9967-32-Region 9	Notice of Final Agency Action to Issue a Prevention of Significant Deterioration Non-Applicability Determination for Tesoro Refining and Marketing for further Integration of its Carson and Wilmington Facilities	9/12/2017
9967-39-Region 5	Notice of Issuance of Part 71 Federal Operating Permits for Cloquet Compressor Station No. 5, Grand Casino Hinckley, Treasure Island Resort & Casino, and Mystic Lake Casino Hotel; and Notice of Issuance of Part 52 Federal Construction Permit for Grand Casino Hinckley	9/12/2017
9967-23-Region 5	OHIO: Final Authorization of State Hazardous Waste Management Program Revision	9/12/2017
9967-48-ORD	Availability of the Integrated Risk Information System (IRIS) Assessment Plans for Nitrate/Nitrite, Chloroform, and Ethylbenzene	9/12/2017
9967-46-OLEM	Amendment to Standards and Practices for All Appropriate Inquiries Under CERCLA	9/11/2017
9967-47-OLEM	Amendment to Standards and Practices for All Appropriate Inquiries Under CERCLA	9/11/2017
9967-67-Region 8	Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revisions to the Utah Division of Administrative Rules, R307-300 Series; Area Source Rule for Attainment of Fine Particulate Matter Standards.	9/11/2017
9965-44-OCSPP	Interim Decision for 22 Sulfonylurea Pesticides; and case closures for Desmedipham, BTS, Busan 1024, Perboric Acid, and Profenofos; Notice of Availability	9/8/2017
9965-71-OCSPP	EPTC; Pesticide Tolerances	9/8/2017
9966-08-OCSPP	Agency Information Collection Activities; Proposed Renewal of an Existing Collection (EPA ICR No. 1693.09 and OMB Control No. 2070-0142); Comment Request	9/8/2017
9966-12-OCSPP	Product Cancellation Order for Certain Pesticide Registrations; Correction	9/8/2017
9966-49-OCSPP	Registration Review; Draft Human Health and/or Ecological Risk Assessments for Asula; Notice of Availability	9/8/2017
9966-56-OCSPP	Compliance Date Extension; Formaldehyde Emission Standards for Composite Wood Products	9/8/2017
9966-89-Region 9	Approval of California Air Plan Revisions, South Coast Air Quality Management District	9/8/2017

9967-61-OAR	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	9/8/2017
9967-65-Region 8	Montana Second 10-Year Carbon Monoxide Maintenance Plan for Missoula	9/8/2017
9967-66-Region 8	Montana Second 10-Year Carbon Monoxide Maintenance Plan for Missoula	9/8/2017

Office of Research and Development

Administrator,

We had a productive meeting with the Environmental Research Institute of the States (ERIS) Board on September 12 at the ECOS Fall Meeting in Jackson Hole, Wyoming. We discussed priority action items from the ERIS Board-EPA joint meeting in July in Oklahoma which will guide our work plan for the coming year, the new collaborative pilots with ECOS and the Association of State and Territorial Health Officials (ASTHO) on communicating the risks of PFAS and harmful algal blooms, and improving the understanding and level of engagement of a broader group of states in our partnership work. At the ECOS plenary session we shared state-by-state summaries of how ORD's work during the past five years, in partnership with state agencies, counties, communities and universities, has supported states in their efforts to protect human health and the environment.

Hot issues

ORD supports Hurricane Harvey and Irma responses

In addition to our roles on the Policy Coordination Council and the National Incident Coordination Team, ORD is staffing the Emergency Operation Centers – 3 ORD staff are now deployed to the HQ EOC now, and 1 has been deployed to the Region 4 EOC. ORD is also providing its technical expertise via our RACER Reachback Capability: to date, ORD has coordinated and responded to requests (1) from Region 6 EOC to identify ORD lab capacity to run fecal coliform samples; (2) from the Environmental Unit to identify toxicity values for 15 chemicals released into the environment as a result of the Hurricane/flooding; (3) from an On-Scene Coordinator to deploy a method developed by ORD that uses webcams and QR codes to assist with accountability of the many EPA personnel in the field; and (4) from the HQ EOC to compile readily available and rapid analytical methods and capabilities for characterizing flood water for microbials, chemicals, and metals - the HQ EOC later used this product to build one of many Fact Sheets about EPA's capabilities. ORD is currently identifying additional volunteers to assist in the HQ EOC.

ORD contributes to U.S. *National Biodefense Strategy*

As a key partner in the National Biodefense Enterprise, EPA is working with the National Security Council and the Homeland Security Community (federal and non-government stakeholders) to develop the first ever "National Biodefense Strategy" consistent with the requirements of the National Defense Authorization Act of 2017. EPA's Office of Homeland Security and ORD's National Homeland Security Research Center have been working across the Agency to assess policies, operational practices, and scientific data needs for incorporation into the National Biodefense Strategy. This strategy will serve to prioritize and coordinate biodefense initiatives to counter biothreats, reduce biorisks, and prepare for, respond to, and recover from bio-incidents resulting from pandemics, laboratory accidents, and bioterrorism. EPA's primary responsibility for a biological incident response (characterization, decontamination, and waste management), drinking water / waste water infrastructure protection, and the underlying scientific and technical support have been prioritized in the strategy. The National Biodefense Strategy Interagency Working Group will deliver the strategy to Congress by end of fiscal year 2017.

Lead

- **Update on Galesburg, IL, lead service line replacement efforts:** On September 11, Region 5 convened a call with ORD, Illinois EPA, the City of Galesburg, and the city's corrosion expert to discuss Galesburg's activities regarding lead in drinking water, specifically, corrosion control treatment, lead

service line replacement, and public education. Participants discussed the possibility of having an open forum-type public meeting in Galesburg, if scheduled, ORD may participate to discuss the lead service line replacement project being conducted in Galesburg.

- **OECA requests technical support for lead contamination in Portland, OR.** OECA has contacted ORD for technical support for lead in drinking water in Portland. Region 10 has given the City of Portland 5 years to develop a corrosion control plan so that they can comply with the Lead and Copper Rule. OECA has requested that ORD review the corrosion control plan.
- **Technical assistance on Cleveland, OH lead issues.** A consulting engineer has been working with the City of Cleveland to develop a plan to determine the type of scale that is present in existing service lines throughout their drinking water system. The consultant contacted ORD with questions regarding pipe scale analysis. On September 12 ORD offered technical support to the City of Cleveland if needed.

Smoke Sense Study Web Traffic

Smoke is impacting many communities around the country, and the Smokesense app provides timely and local air quality information to users and information on subclinical effects of smoke. EPA launched the Android version of the Smoke Sense mobile application on August 1. During August, hits on the [Smoke Sense study web page](#) increased from 40 to 5,765, with 4,747 of those visits from 'unique' individuals, rather than repeat users. The Smoke Sense hits helped drive total traffic on the Air Research page from 12,727 in July to 20,588 in August. Beta testers have been identified for the Apple iOS version of the app, which should be available soon.

Upcoming public events (look out 2 weeks)

Clean Air Scientific Advisory Committee meeting

On September 18 – 19th, the CASAC will convene a meeting to discuss the draft Risk and Exposure Assessment and draft Policy Assessment for the primary SO₂ NAAQS review. ORD scientists will participate in this meeting in person to provide scientific background on the health effects of SO₂ exposure.

Association of State and Territorial Health Officials (ASTHO) Policy Summit

ORD will participate in the ASTHO Policy Summit, September 19 in Washington, DC. ORD will co-present with CDC/NCEH/ATSDR for the *Leader to Leader Executive Roundtable Session on Safe Drinking Water and other Environmental Health Issues*, and will present on EPA and ORD priorities and our state partnership work at the Environmental Policy Committee meeting in the afternoon. The Policy Summit will be followed by ASTHO's 75th Annual Meeting September 20-21, themed *Celebrating the Power of State and Territorial Public Health*. Bringing together state and territorial health officials, ASTHO alumni and affiliated organizations, federal partners, academia, and private sector health industry executives, this meeting will highlight the decades of progress in governmental public health and ideas for addressing future public health challenges, including sessions about the opioid epidemic, early brain development, telehealth and creating a culture of health.

Science Technology Policy Council

On September 20, the EPA Science Technology Policy Council will meet. Topics include: Public Access Forum implementation status, Laboratory Enterprise Forum briefing and status of the four workgroups, Update on IRIS modernization progress, and OCSPP's TSCA Implementation Update.

International Tire Crumbs Research Meeting

On September 20th, ORD and its partners from Centers for Disease Control and Prevention and NIH/National Toxicology Program will participate in a meeting with representatives from the European Chemicals Agency and the Dutch National Institute for Public Health and the Environment. They will share information about rubber crumb in the infill material that is used in sports fields, and updates on U.S. tire crumb research and the two European tire crumb studies.

Minnesota Department of Health Demonstration

On September 27, ORD will provide a demonstration of the Computational Toxicology Chemistry Dashboard to the Minnesota Department of Health (MN DOH). ORD met with MN DOH in August so that they could outline their needs for using EPA data and tools to inform their chemical risk assessments and this demonstration is a follow-up to that meeting. MN DOH is interested in using ORD's new approaches for evaluating chemicals in their chemical risk assessment process.

State Environmental Officials to Visit ORD

Senior environmental officials from Louisiana and Florida will meet with EPA scientists and senior managers at ORD's Gulf Ecology Division on September 28. The meeting will include a tour of the facility and discussions on applied research that can benefit states. Presentations by scientific staff will describe research efforts to model the relationship of anthropogenic nitrogen to Gulf hypoxia, to develop nutrient criteria for Gulf States, to assess coastal condition across the United States, and to forecast effects of future land use decision scenarios on water quality and quantity.

Last week Highlights

Superfund

- **LCP Chemicals Superfund site:** On September 11, Region 4 and ORD coordinated a review for a feasibility study for the [LCP Chemicals Superfund site](#) in Brunswick, GA. The study focuses on a former mercury cell building crumbling under its own weight. The site borders the Turtle River saltwater marshes and Brunswick's urban communities.
- **Technical assistance to Region 4, Paducah, KY:** On September 19, at the request of Region 4, ORD will attend a meeting and tour at the Paducah Gaseous Diffusion Plant Superfund Site to provide technical support to the EPA Remedial Project Manager. Other meeting participants include the Department of Energy (DOE) and their contractors, and the Kentucky Department of Environmental Protection. The purpose of the meeting is to begin scoping the remedial investigation under the footprint of a building that is being demolished. The Paducah [Superfund site](#) is the location of a former DOE uranium enrichment plant with hazardous and radioactive wastes.
- **Technical assistance to Region 1 at Fort Devens Superfund Site:** On September 21, at the request of Region 1, ORD will meet with Region 1, the Army and its contractors, and the Massachusetts Department of Environmental Protection to discuss preliminary results of the calibration of a groundwater flow model. The model was developed by the Army to evaluate the performance of the groundwater extraction system used to capture and treat contaminated groundwater at the Fort Devens site. ORD is investigating the impact of recently-implemented remedial measures on groundwater flow and contaminant transport. Fort Devens is a former military training base with

petroleum, arsenic, heavy metals, and other hazardous chemical contamination in the groundwater, soil, and sediment.

- **Omaha Lead Superfund Site:** ORD scientists provided ongoing technical support for the recently finalized report evaluating the impact of removal and remediation activities at the Omaha Lead Superfund Site on blood Pb levels and academic performance measures. This report will be used to inform follow-up studies. ORD scientists will continue to collaborate and provide technical support during the new phase of the project.

Scientists Assess World's Largest Lake System

ORD recently collaborated with EPA Region 5, the Great Lakes National Program Office, and the U.S. Geological Survey to assess the condition of Lake Superior. A depth-stratified randomized sampling design was developed to provide a statistically rigorous whole-lake assessment. Parameters included chemical and physical measurements, water quality, and distribution and abundance of biota. Innovative measures of food web function are being applied through stable isotope techniques and development of a dynamic food web simulation model to evaluate effects of management actions and anthropogenic stress. The Cooperative Science and Monitoring Initiative, mandated under the Great Lakes Water Quality Agreement between the United States and Canada, supports condition assessment of one of the Great Lakes each year. The Great Lakes hold 20% of the world's fresh surface water.

CMAQ 5.2 Model Release

The September 2017 issue of *EM Magazine* covered [EPA's release of CMAQ 5.2](#), a powerful computational tool that simultaneously models multiple air pollutants to help environmental managers determine the most effective strategies for improving air qualities in their states and communities. The article details the model's new key features, evolution of the science, impacts, and future enhancements

Sampling Procedures Using Robotic Floor Cleaners for *Bacillus anthracis* Spores

Following the 2001 intentional contamination incidents involving *Bacillus anthracis* in the United States, the research need for remediation of contaminated buildings became evident. Subsequent surface sampling studies were emphasized due to the direct impact that sampling results have on decontamination decision making. This research indicates that commercially available robotic floor cleaners offer a safe, efficient, and economical option in addition to currently-used surface sampling methods.

Project Shows Microbiota Necessary for Normal Development in Fish Larvae

A research manuscript on the importance of intestinal microbiomes on chemical neurotoxicity is now available online via *Scientific Reports*, an open-source *Nature* journal. Intestinal microbes are thought to influence mood, anxiety, and even brain development, but little is known about potential effects on developmental neurotoxicity of environmental chemicals. The research characterized a unique zebrafish-based system to test whether chemical toxicity is modified by host-associated intestinal microbes and demonstrated that specimens devoid of microbiota have abnormal neurobehavioral development and are hyperactive. Why use the zebrafish model? Although zebrafish appear to be extremely different than humans, in fact, 70% of our genomes are common. Moreover, the developmental processes involved in growing all of the major organ systems are similar between humans and zebrafish, making this organism a cost-effective and excellent model to study human developmental diseases. The study found that microbial colonization must occur by 6 days of

life to prevent hyperactivity in 10-day-old zebrafish larvae and that live bacteria, but not heat-killed bacteria, are required to induce normal behavioral development.

Advancing the Science of Children's Lead Exposure

Reducing or eliminating exposure to lead in infants and children is a primary objective for EPA. To support regulatory and other efforts to do so, it is important for Agency Program and Regional Offices, as well as partners throughout the public health community, to understand where infants and children can be exposed to lead in their environment. This week, the journal *Environmental Health Perspectives* presented the results of an ORD-lead study important to that effort. The study, "Children's Lead Exposure: A Multimedia Modeling Analysis to Guide Public Health Decision-Making," advances the science of lead exposure. The primary objective of the study was to develop a coupled exposure–dose modeling approach that can be used to determine what drinking water lead concentrations are needed in order to keep children's blood lead levels below specified values in real-world conditions, that is those that are likely to include additional routes of lead exposure from soil, dust, food, and air. The researchers concluded that: "This methodology advances scientific understanding of the relationship between lead concentrations in drinking water and blood lead levels in children. It can guide national health-based benchmarks for lead and related community public health decisions."

Recent Publication: evaluating mine water discharges

On August 11, 2017, "[Evaluating Relationships Between Total Dissolved Solids \(TDS\) and Total Suspended Solids \(TSS\) in a Mining-Influenced Watershed](#)," was published in *Mine Water and the Environment*, a journal of the International Mine Water Association. Monitoring of TDS and TSS is required for the permitting of discharges according to Total Maximum Daily Load (TMDL) requirements. This publication summarizes research undertaken to clarify whether states can predict changes in TDS loads from changes in TSS loads. In 2012, a state proposed using the ratio approach, and Region 3 requested technical support from ORD to evaluate the validity of this approach. This work provides quantitative assessment based on evaluation of case study data from a mining-influenced watershed in Region 8. Findings demonstrate that while relationships can exist between measurements of TDS and TSS, these relationships are specific to each surface water body or watershed and may be too variable to be of practical use.

OW Weekly Report

Hot Issues

Hurricane Recovery Activities: The Governor of Texas sent a letter to Administrator Pruitt on September 8 about the use of State Revolving Funds (SRF) to fund immediate recovery and resilience efforts for the water, wastewater and stormwater infrastructure in Texas. We met with state officials in person and R6 followed up with written correspondence this week, supporting flexibilities in the SRF program and committing to expedited reviews. The National Disaster Recovery Framework (NDRF) has been activated. Also, R6 staff have been deployed to the Joint Field Office in Austin to address recovery of water and wastewater infrastructure and other recovery support functions.

EPA continues to coordinate with the Florida DEP and the U.S. Army Corps of Engineers (USACE) relative to Water and Drinking Water issues. R4 Water Team members joined USACE at the Florida SEOC in Tallahassee, Florida this week to support preliminary water and wastewater system assessments. Initial reports from Georgia water and wastewater systems indicate that six community-water systems are without power or on back-up generators. Three Publically Owned Treatment Works are reported as being without power or partially operating on back-up generators. Requests for back-up power generators for water and wastewater treatment facilities are coming to the State of Georgia ESF-3 desk.

EPA Urban Waters Team is a Finalist for the Service to America Medal "People's Choice" Award: The Partnership for Public Service has selected the Urban Waters Team as a finalist for the 2017 Service to America Medals ("Sammies"). The Service to America medals recognize leadership and innovation in public service. This team was selected from more than 350 nominations to be one of 26 finalists. After successive rounds of voting this summer, they are now in the final four for the "People's Choice" category--the only award which allows the public to vote. They are the only water and environment team still in the running. Voting is open now and ends at 11:59pm this Friday, September 15th. You can cast your vote at: <https://servicetoamericamedals.org/peoples-choice/>.

Environmental Finance Advisory Board Membership: Today, OW sent forward for Administrator signature the revised EFAB membership package. EFAB is an advisory committee chartered under the Federal Advisory Committee Act to provide advice and recommendations to EPA on creative approaches to funding environmental programs, projects, and activities.

Waters of the U.S.: Next week, EPA and Army will hold the first of our 10-part webinar series to gain input from various stakeholders on the revised definition of waters of the U.S. This first webinar will engage small entities including small businesses, organizations, and governmental jurisdictions. The webinar currently has 109 registrants. In addition, this week, we posted nearly 200 letters received as part of our Federalism and Tribal consultation to provide the public with an opportunity to learn what states, local government and tribes shared with the agencies. For the step 1 proposed rule, EPA has received over 178,000 comments. We expect the number of comments will increase as we get closer to the September 27 close of the public comment period.

SepticSmart Week: Next week is SepticSmart Week, a national outreach and education campaign designed to promote proper septic system care and maintenance by homeowners. This is an annual event that takes place every third week in September. This program encourages homeowners to learn more about their septic systems, and properly take care of them. This effort will help improve awareness of homeowners and their role in protecting their drinking water and local water resources, especially in environmentally sensitive areas such as coastal and lake communities.

Upcoming Public Events

Meeting with Iowa DNR: Next week, Lee will travel to Iowa with the Region 7 leadership to meet with state

officials to discuss their state antidegradation implementation procedures.

National Rural Water Association WaterPro Conference: Next week, Lee will travel to Reno to speak at the National Rural Water Association WaterPro Conference. The purpose of the annual conference is to discuss the most recent issues in the water and wastewater industry and Lee will be speaking on OW's regulatory outlook for the next year. The conference is open press.

Last Week Highlights

PRASA-EPA-USDA Negotiations: This week, EPA, USDA, PRASA and AAFAF (Puerto Rico Fiscal Agency and Financial Advisory Authority) met in-person to continue negotiations to resolve PRASA's delinquent debt owed to the federal government and the Puerto Rico State Revolving Funds. A briefing for the Administrator has been rescheduled for September 28.

Aluminum Criteria Webinar: This week, OW held two webinars on the draft aluminum criteria. The first webinar included 48 participants from ACWA. The second webinar was open to the public with over 500 people participating. Due to an overwhelming response from the public webinar, an additional session has been scheduled for next week. The 60-day comment period closes September 26.

ATTAINS Release for State Use: This week, in preparation for the 2018 Integrated Reporting Cycle, OW will release the new ATTAINS system for state electronic reporting. This release will allow states to begin preparing their 2018 submission using the new approach, and to ultimately be able to submit their assessed and impaired waters data (as part of the state's Integrated Report) electronically to EPA (these reports will be due to EPA on April 1, 2018). OW continues to work with states to transition to the new ATTAINS. As of this initial release, 13 states are migrated over and ready to begin work. We will continue to build new capability into ATTAINS over the next 6 months, including the ability to report on strategic and budget measures, the ability to track TMDLs and other actions, and the ability for EPA Regions to review and approve 303(d) lists and TMDLs electronically.

Steam Electric Postponement FRN: This week, the final rule postponing certain compliance dates from the 2015 Steam Electric ELG by a period of two years (from 2018 to 2020) was sent to the FR for publication. A press release was issued and OW conducted targeted outreach to key stakeholders including environmental groups, industry representatives, and state organizations following signature.

Bristol Bay: This week, OW and Region 10 held a consultation with the Bristol Bay Native Corporation. At this time, all other tribal consultation requests are being scheduled to occur while Lee Forsgren is in Alaska, October 9-13. Both the tribal consultation and public comment periods will end on October 17.

Perchlorate *Federal Register* Notices: Today, EPA published in the *Federal Register* the materials that will undergo independent, expert peer review to help inform the agency's decision-making on perchlorate under the Safe Drinking Water Act. Public comments on the interim list of peer reviewers and the draft charge questions are due October 5. Also, the agency is taking public comments on the scientific report entitled "Draft Report: Proposed Approaches to Inform the Derivation of a Maximum Contaminant Level Goal for Perchlorate in Drinking Water". Comments on the report are due October 29.